
(2005) 11 DEL CK 0050

In the Delhi High Court

Case No : Criminal M.C. No. 5782 of 2005 and Criminal M.A. 11425 of 2005

Sampangi Ram

APPELLANT

Vs

N.C.T of Delhi and Another

RESPONDENT

Date of Decision : 25-11-2005

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 482
Penal Code, 1860 (IPC) — Section 120B, 406, 420

Citation : (2006) 126 DLT 573 : (2006) 86 DRJ 111

Hon'ble Judges : J.P. Singh, J

Bench : Single Bench

Advocate : K.K. Tyagi, Shashi Kiran Shetti, S.U.K. Sagar and Bina, for the Appellant; Anil Soni, for State and G.D. Parashar, for the Respondent

Final Decision : Dismissed

Judgement

J.P. Singh, J.—Complainant Bhagat Ram and accused Sampangi Ram are present in person. They have been identified by their learned counsel. Parties are identified by the I.O.

2. This petition u/s 482 of the Code of Criminal Procedure has been moved for quashing FIR 57/2005, PS Rajinder Nagar, under Sections 406/420/120-B of Indian Penal Code.

3. I have heard Mr. K.K.Tyagi learned counsel for the petitioner on the point of admission as also gone through the documents placed on the file.

4. One Bhagat Ram Sharma had sent a complaint to the Deputy Commissioner of Police informing that accused persons had cheated him for a total sum of Rs. 6 lacs after giving him assurances that they would get his son admitted in Medical College at Bangalore. Admission could not be obtained and on repeated protests of Bhagat Ram only a sum of Rs. 50,000/- was returned. On this complaint an FIR was registered under Sections 406-420/120-B IPC.

5. It is stated in the petition that the matter has been settled amicably. The

entire amount has been paid back and it is prayed that the FIR and the proceedings emanating there from be quashed. The learned Additional Public Prosecutor has strongly opposed the petition. Learned counsel for the petitioner has cited judgment titled B.S. Joshi and Ors. v. State of Haryana and Ors. reported in (2003) 4 SCC 275, arguing that this court has powers to permit compounding of even non compoundable offences. There is no dispute about the legal position but in the said judgment itself the law on this aspect has been discussed. In para 10 of the said judgment it is stated that the High Court has powers to quash the proceedings if it comes to the conclusion that the ends of justice so require. That was a matter of dispute between husband and wife and there was question of saving the marriage. Therefore, it is germane to appreciate the facts and circumstances of each case.

6. Now it is common knowledge that unlawful help in getting admission into medical or engineering colleges or other such specialized institutes has become a profession of some people. They act as intermediates or touts and a lot of money is paid for achieving the motive whether or not the person getting admission by way of this back door entry deserves or not. This is being done at the peril of deserving candidates.

7. Considering all these facts and circumstances, I do not find it a fit case for compounding the offence. The petition is, Therefore, dismissed.