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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(CRL) 1865/2023, CRL.M.A. 27074-27075/2023

KULBIR SINGH UBEROI & ORS. Petitioners

Through: Mr. Bhagat Singh and Mr. Prashant
Gupta, Advs.

versus

STATE OF NCT OF DELHI AND ORS. Respondents

Through: Ms. Rupali Bandhopadhyaya, ASC
with Mr. Abhijeet Kumar,
Advocate for the State
SI Raj Kumar, P.S. Maidan Garhi
Mr. Dhruv Gupta and Mr. Anubhav
Garg, Advs. for R-2 to R-4.

**CORAM:
HON'BLE MR. JUSTICE SAURABH BANERJEE**

ORDER
06.10.2023

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CRL.M.A. 27075/2023 (seeking impleadment of proposed respondent no.5)

1. Vide the present application the petitioners seek *impleadment of Mr. Jaspal Singh Sawhney as Respondent No. 5.*
2. Admittedly, it is the case of the petitioners that proposed respondent no.5 is the attorney, relative as also the arbitrator who was acting on behalf of respondents no.2 and 4 in the mediation proceedings *inter se* the parties.

W.P.(CRL) 1865/2023

page 1 of 3



3. It is a matter of fact that each of the said respondent nos. 2 to 4 have already been impleaded as parties before this Court and in fact the respondent nos.3 and 4 are today very much appearing in person along with counsel who is also appearing for respondent no.2 and also, admittedly, the proposed respondent no.5 is nowhere named in the FIR and has no role to play in the present petition. Moreover, the petitioners have not made out any case for impleadment of the said proposed respondent no.5. A perusal of the records reveal that the petitioners by virtue of the present application are trying to agitate issues against parties who have no bearing with the facts of the present case as they are trying to open up a Pandora's box by agitating issues which are neither connected nor material for the relief of quashing of FIR No.217/2022 dated 09.05.2022 registered under Sections 448/427/380/365/201/120B/34 IPC at PS Maidan Garhi, New Delhi.

4. The same cannot to be permitted. Considering the overall scenario, in the opinion of this Court, the present application is bereft of any merit and deserves to be dismissed.

5. Accordingly, the present application is dismissed.

6. After passing of the aforesaid order in the open Court in the presence of the learned counsel for the petitioners, the learned counsel has once again chosen to vehemently contend/agitate the same contentions (few of which were new) for almost additional *fifteen minutes* taking the precious time of this Court to deal with other deserving matters. As such, the petitioners are imposed with costs of Rs.20,000/- which is to be deposited with the Delhi High Court

W.P.(CRL) 1865/2023 *page 2 of 3*



Employees Welfare Fund [A/c No.15530110074442 IFSC Code-UCBA0001553] within a period of two weeks. Acknowledgement slip in respect of payment of costs be filed before the next date of hearing.

7. Renotify on 05.12.2023 for compliance.

CRL.M.A. 27074/2023

8. Vide the present application, the petitioners seek following reliefs:-

a) Permit the petitioners to amend the writ petition, and to incorporate the proposed amendments as mentioned in Para 12 hereinabove;

9. Since the petitioners have filed the instant petition seeking quashing of FIR No.217/2022 on the basis of Settlement Agreement dated 17.05.2023, issue notice to the respondents limited to the extent of satisfying this Court as to the maintainability thereof.

10. Learned ASC for the State and learned counsel for the respondents 2 to 4 accept notice.

11. Reply, if any, be filed before the next date of hearing.

12. Renotify on 05.12.2023.

SAURABH BANERJEE, J

OCTOBER 6, 2023

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W.P.(CRL) 1865/2023

page 3 of 3