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

+ **W.P.(CRL) 635/2016**

PRADEEP MITTAL

..... Petitioner

Through: Mr. Daviender Hora, Advocate

versus

THE STATE & ANR

..... Respondent

Through: Mr. Sanjay Lao, ASC with SI
Jaydeep, PS Swaroop Nagar

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

ORDER
29.08.2016

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This writ petition has been filed by the petitioner to seek the quashing of FIR No. 320/2015 registered at Police Station Swaroop Nagar under Section 307 IPC and Section 30 of the Arms Act against the petitioner on the complaint of respondent No.2.

The petition is premised on a settlement arrived at between the petitioner and respondent No.2. The State was required to file its status report which has been filed.

The case of the petitioner is that the petitioner and respondent No. 2 are friends and acquainted with each other since long. The petitioner is engaged in the business of selling *saria* under the name and style of

Kamdheni Saria. An altercation took place between the petitioner and the complainant in relation to removal of a water tank. The allegations against the petitioner are that on account of the said altercation, the complainant was beaten up and a shot was fired from his gun. On the basis of the complaint, FIR came to be registered. Respondent No. 2 is present in Court. He is identified by SI Jaydeep, PS Swaroop Nagar. Respondent No. 2 states that he has arrived at a compromise with the petitioner. As per the status report, there is no other eye witness to the incident. The petitioner states that he has fired the shot in the air and not at the complainant. The factum of the bullet being fired from the petitioner's arm does not appear to be in doubt. However, the circumstances in which and the direction in which the same was fired cannot be ascertained in view of the fact that respondent No.2-the complainant has arrived at a settlement with the petitioner. It cannot be conclusively held that the petitioner had fired the shot by taking the aim towards the complainant.

In these circumstances, in my view, no useful purpose would be served in keeping the FIR in question pending, particularly, when respondent No.2 has stated on the asking of the Court that he has arrived at a settlement with the petitioner out of his own free will and accord and without any undue influence or pressure.

The petitioner has assured the Court that he shall not be trigger happy in future and shall not use his fire arm unless there is a real need for it. The petitioner has stated that in his line of business, he has to deal with large amounts of cash on daily basis and that is why he has obtained the license for the fire arm. He further submits that recently there had been a theft at his premises in respect of which he has already lodged FIR No. 64/2016. The

same is under investigation and no arrests have been made.

In the aforesaid circumstances, I am not inclined to direct surrender by the petitioner of his arms license, though, he is warned against its indiscriminate or casual use. The FIR in question and the proceedings arising there under are quashed subject to deposit of costs at Rs. 25,000/- in the Prime Minister's National Relief Fund. The costs be paid within two weeks and copy thereof be provided to the investigating officer. Thereafter, the case shall be closed.

The petition stands disposed of.

VIPIN SANGHI, J

AUGUST 29, 2016

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