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* IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of decision: 26.04.2016

+ W.P.(CRL) 1276/2016 & CRL.M.A. 6685/2016

ANKUSH GHAI

..... Petitioner

Through: Mr. Naresh Ghai, Advocate

versus

STATE & ORS

..... Respondents

Through: Mr. Sanjay Lao, Addl. Standing
Counsel (Crl.) with Mr. Siddharth
Sandhu, Advocate
SI Bhawani Shankar, PS Paschim
Vihar

CORAM:

HON'BLE MR. JUSTICE SIDDHARTH MRIDUL

SIDDHARTH MRIDUL, J (ORAL)

CRL.M.A. 6685/2016 (Exemption)

1. Exemptions allowed subject to all just exceptions.
2. The application is disposed of accordingly.

W.P.(CRL) 1276/2016

1. The present is a petition under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973, seeking quashing of FIR No. 675/2014, under Section 4 of the Delhi Medicare

Services Personal and Medicare Institution (Prevention of Violence and Damage to Property) Act, 2008, registered at Police Station- Paschim Vihar, Delhi.

2. The unfortunate incident that led to the registration of the subject FIR is as follows:-

(i) The petitioner's late father had a cancerous growth in the liver, as a consequence of which a tube had been inserted to extract the secretions;

(ii) On one occasion, there was a leakage in the tube and the petitioner rushed his father to the hospital – Sri Balaji Action Medical Institute, Paschim Vihar, Delhi; and

(iii) Petitioner's father is stated to have died as a consequence of medical complications.

3. It is alleged that the petitioner was enraged due to the alleged casual treatment meted out to his father and under mental pressure, allegedly assaulted the doctor and the attendants.

4. It is an admitted position that the offence is a compoundable one within the meaning of Section 320 of the Code of Criminal Procedure, 1973. Even otherwise, the petitioner as well as the complainant in the subject FIR

namely Mr. Naveen Kumar Sharma, Assistant Security Officer, Sri Balaji Action Medical Institute, Paschim Vihar, Delhi have arrived at an amicable resolution of the unfortunate dispute that led to the registration of the subject FIR.

5. Mr. Naveen Kumar Sharma, respondent no. 2/complainant, who is present in Court today and has been identified by the Investigating Officer in the subject FIR namely SI Umed Singh, PS- Paschim Vihar, Delhi, states that he does not wish to proceed with the subject FIR in view of the unconditional apology tendered on behalf of the petitioner for his unwarranted action.

6. In view of the foregoing, since the dispute that led to the registration of the subject FIR has been amicably resolved by and between the parties, no useful purpose will be served by proceeding with the subject FIR.

7. Resultantly, FIR No. 675/2014, under Section 4 of the Delhi Medicare Services Personal and Medicare Institution (Prevention of Violence and Damage to Property) Act, 2008, registered at Police Station- Paschim Vihar, Delhi, is hereby set aside and quashed *qua* the petitioner.

8. With the above directions, the present writ petition is allowed and disposed of accordingly.

SIDDHARTH MRIDUL, J

APRIL 26, 2016

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