

IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of decision: 13th May, 2016

W.P.(CRL) 1510/2016 & CRL.M.A. 7867/2016

ANIL KUMAR

..... Petitioner

Through: Mr Vikram Panwar, Advocate.

versus

STATE (NCT OF DELHI) & ANR

..... Respondents

Through: Mr Ashish Aggarwal, Addl. Standing
Counsel (Crl.) .

Mr Manoj Pant, Advocate for R-2
along with R-2 in person.

SI Anil Kumar, PS- Dwarka South.

CORAM:

HON'BLE MR JUSTICE SIDDHARTH MRIDUL

SIDDHARTH MRIDUL, J (ORAL)

1. The present is a petition under Article 226 of the Constitution of India seeking quashing of FIR No.69/2014 under Sections 307 IPC registered at Police Station-Dwarka South, Delhi.

2. Notice. Mr Ashish Aggarawal, learned Addl. Standing Counsel (CrI.), accepts notice on behalf of the official respondent and does not oppose this petition.

3. The subject FIR came to be registered as consequence of an argument between the petitioner-husband and the complainant-wife. It is stated by learned counsel appearing on behalf of the petitioner that his licensed weapon went off accidentally and the bullet expelled therefrom brushed across the thighs of the complainant. However, the injuries suffered by the complainant are opined to be simple.

4. The complainant, who is present in person in court and has been identified by the IO in the subject FIR, namely, SI Anil Kumar, PS- Dwarka South, states that she has forgiven her husband; and that in order to keep the family together which also consists of their two children aged 18 and 16 years respectively, she wishes to live happily with him; and that the present FIR has the potential to complicate and jeopardize her family life; and that, therefore, she is no longer keen to prosecute the subject FIR.

5. It is observed that the present case does not fall within the categories exempted from quashing in terms of the decision of the Supreme Court in

Gian Singh vs. State of Punjab and Anr. reported as (2012) 10 SCC 303, since it does not affect the general public at large and is a private affair.

6. In view of the foregoing, the present writ petition is allowed. FIR No.69/2014 under Sections 307 IPC registered at Police Station-Dwarka South, Delhi is hereby set aside and quashed *qua* the petitioner subject to his making himself available for community service at the Hanuman Mandir, Sector-6, Dwarka, Delhi, on every Saturday between 6.00 AM to 10.00 AM for four consecutive weeks. The management of the concerned Hanuman Mandir is requested to utilize the services of the petitioner herein in any manner they deem fit for the said purpose. The management is requested to furnish the IO in the subject FIR, with a report *qua* the conduct and demeanour of the petitioner herein, at the expiry of the aforesaid period of four weeks.

7. With the above directions the writ petition is allowed and disposed of accordingly.

SIDDHARTH MRIDUL, J

MAY 13, 2016
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