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

+ **CRL.M.C. 2457/2016**

MAHESH CHANDRA

..... Petitioner

Represented by: Mr. K.K. Manan, Sr. Advocate
with Mr. Ankush Narang, Ms.
Anjali Rajput and Mr. Sandeep
Rana, Advocates with
petitioner in person.

versus

STATE (THE NCT OF DELHI)

..... Respondent

Represented by: Mr. Hirein Sharma, APP for
the State with SI Ishwar Singh,
PS Pul Prahladpur.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

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06.09.2016

1. By the present petition the petitioner, who is the father of the deceased Rahul Soni seeks quashing of the FIR No. 393/2015 under Section 304A IPC registered at PS Hazrat Nizamuddin, Delhi on the complaint of SI Ishwar Singh.
2. The grievance of the petitioner is that despite a cancellation report having been filed by the State the same is not being accepted by the learned Trial Court and the matter is being delayed which is causing unnecessary inconvenience to the petitioner.
3. A status report has been filed and SI Ishwar Singh on whose complaint FIR has been registered is also present in Court. The above noted

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FIR was registered pursuant to an information received at 1.00 AM on the intervening night of 8th and 9th June, 2015 regarding a male dead body lying in the Delhi Golf Club vide DD No.5A. The dead body was identified to be of a boy aged 18-20 years. It was found out that the body was lying on the base of the swimming pool of Delhi Golf Club and the deceased was taken out with the help of fire brigade staff and his clothes were lying outside the swimming pool. The body lying in the pool was detected by the guard of the Club who informed the police as well as the fire brigade. The post mortem of the deceased was conducted on the same day and viscera was sent to FSL for analysis. The report of the viscera noted presence of ethyl alcohol and methyl alcohol in the blood and gave negative test for all common poisons. The opinion as to the cause of death in the post-mortem report was "After perusal of PM report, viscera analysis report, I am of the considered opinion that the cause of death in this case is asphyxia due to ante mortem drowning. However, deceased had consumed ethyl alcohol and methyl alcohol (suggestive of spurious alcohol) at the time of incident".

4. During the course of investigation documents were collected and CCTV footage was also examined. It was revealed that Rahul Soni was working as a helper in the kitchen of Pub Cum Restaurant of Delhi Golf Club. He left the pub at 12.02 AM after the pub closed at 11.00 AM. At around 12 night only one or two persons were left behind over there and at that time the swimming pool was also closed. However, Rahul Soni who was also carrying food with him entered the swimming pool after removing the barricade on his own avoiding notice of the guard posted at the club. It is during this process that he got drowned as he was on the deeper side and at ***CRL.M.C. 2457/2016***

around 12.20 AM the guards detected the body in the pool and informed the police and the fire brigade. After thorough investigation no lapse whatsoever, of any kind was found against any of the persons hence a cancellation report was filed.

5. Father of the deceased Rahul Soni, who is the petitioner herein is identified by the learned counsel and SI Ishwar Singh on whose information the FIR was registered are present in Court. The petitioner states that he does not find any foul play in the death of his son and thus does not wish to proceed with the above noted FIR and the proceedings. SI Ishwar Singh also states that since during the investigation nothing incriminating has been found out showing lapse on the part of any person and it was revealed that Rahul Soni went for swimming while he was under the influence of alcohol at a time when the swimming pool was closed avoiding notice of the guard, no person can be held responsible, he has no objection if the above noted FIR is quashed.

6. Considering the facts and circumstances of the case FIR No. 393/2015 under Section 304A IPC registered at PS Hazrat Nizamuddin, Delhi and the proceedings pursuant thereto are hereby quashed.

7. The petitioner Mahesh Chandra and SI Ishwar Singh, have signed the order sheet in acknowledgement of their statements noted above.

8. Petition is disposed of. Order dasti.

MUKTA GUPTA, J.

SEPTEMBER 06, 2016

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