

\$~11

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

+ CRL.M.C. 3209/2016

RAHUL Petitioner

Through : Mr.R.P.Kaushik, Advocate.

versus

STATE & ANR. Respondents

Through : Mr.M.S.Oberoi, APP.
Mr.Atul Jain, Advocate for R2.

CORAM:

HON'BLE MR. JUSTICE S.P.GARG

ORDER

% **09.09.2016**

1. Present petition under Section 482 Cr.P.C. has been preferred by the petitioner for quashing of FIR No.161/2010 registered under Sections 307/34 IPC at PS Kalyanpuri.

2. I have heard the learned counsel for the petitioner and have examined the file. The petitioner's counsel urges that since the matter has been settled with the complainant / injured amicably, no useful purpose would serve to continue with the proceedings.

3. It is relevant to note that similar petition for quashing of the FIR in question vide Crl.M.C. No.2972/2016 listed on 19.08.2016 was filed by the petitioner. The said petition was, however, dismissed as withdrawn. The petitioner has not furnished any plausible reasons for filing the second petition for quashing on somewhat similar

grounds. Copy of the order dated 19.08.2016 has not been placed on record. Apparently, there is no change of circumstance to consider the present quashing petition.

4. Besides above, there are serious allegations against the petitioner for inflicting 'grievous' injuries by a sharp weapon on the victim's neck. In the FIR, the complainant disclosed that the petitioner along with his associate - Amit had stabbed him on his refusal to give them money to consume liquor. In his examination-in-chief recorded as PW-2, the complainant has implicated the petitioner and his associate – Amit to have caused knife blows on his neck, arm and hands. The victim has been partly cross-examined on 05.01.2016 and 31.03.2016.

5. It is unclear as to why the petitioner's associate – Amit did not file petition for quashing on the basis of alleged settlement.

6. The allegations against the petitioner are specific and clear. Considering the gravity of offence and serious allegations against the petitioner, I am of the view that it is not a suitable case for quashing of FIR under Section 482 Cr.P.C.

7. The petition is dismissed.

8. Copy of the order be sent to the concerned Court for information.

S.P.GARG, J

SEPTEMBER 09, 2016 / tr