

\$~48

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

+ **W.P.(CRL) 2237/2018**

LAL SINGH @ LAL BAHADUR & ORS Petitioners

Represented by: Mr.Jitender Tyagi and Mr.Rishi
Bhardwaj, Advocates

versus

STATE OF NCT DELHI & ORS Respondents

Represented by: Mr.Rajesh Mahajan, ASC for the
State with Ms.Jyoti Babbar, Advocate
and SI Dinesh, PS Aman Vihar

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

% **27.07.2018**

CrI.M.A.No.28644/2018

Allowed subject to just exceptions.

W.P.(CrI.) No.2237/2018

1. By this petition, the petitioners seek quashing of FIR No.539/2018 under Sections 307/34 IPC registered at PS Aman Vihar and the proceedings pursuant thereto.

2. The abovenoted FIR was registered pursuant to an information received through PCR that blood was found near the transformer and blood marks were found near the footpath opposite to House No.B-87, Sharda Vats Enclave. The injured had been taken to Sanjay Gandhi Hospital by PCR when investigating officer reached the spot. On reaching the hospital, police officers found that the victim had a CLW 8cm x 1cm x 0.5 cm over centre of

W.P.(CRL) 2237/2018

Page 1 of 2

neck outer aspect. The victim was unable to speak as his throat had been slit. Since no other eye witness was found and the victim was unable to speak, FIR under Section 307 IPC was registered on the information received through PCR.

3. Later victim Bhagwan Singh gave his statement wherein he stated that he along with Roopa and Julie who are relatives, does work of cleaning and sweeping the floor and now he has stopped working at the homes. On 18th June, 2018 he was unwell. He went to the house of Julie. Julie and her son Tarun were at home. Julie asked to him as to why he had come to their house when he stated that he had come to meet them. Julie retorted that these days he was trying to be smart enough and despite asking him not to come to their house he came. On this, Tarun stated that he would finish him on that day. It is alleged that Julie caught hold of the neck and her son gave a knife blow.

4. From the contents of the FIR and the subsequent statement of the victim, commission of a cognizable offence is clearly made out however which of the person is an accused or not will be seen at the time of conclusion of investigation.

5. Since the FIR discloses the commission of cognizable offence, the same cannot be quashed.

7. After order was dictated, learned counsel for the petitioners seeks leave to withdraw the petition.

8. Petition is dismissed as withdrawn.

MUKTA GUPTA, J.

JULY 27, 2018

mamta

W.P.(CRL) 2237/2018

Page 2 of 2