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

\+ W.P.(CRL) 1695/2017

M/S PARASNATH FOODS PVT LTD ..... Petitioner

Represented by: Ms. Sona Babbar, Advocate

versus

STATE & ANR ..... Respondents

Represented by: Ms. Kamna Vohra, ASC with
Ms. Sarabjeet Kaur, Advocate
Mr. Anindya Malhotra with
Mr. Shaurya Lamba, Advocates
For R-2
SI Anuj Kumar, PS: Anand
Vihar

CORAM:
HON'BLE MS. JUSTICE MUKTA GUPTA

O R D E R

% **08.10.2018**

No steps have been taken for the service of respondent no.3. However, respondent no.3 is present and has been identified by the Investigating Officer.

The petitioner and respondent no. 2 were prosecuted for offences punishable under Section 33 of the Delhi Excise Act, 2009 and an FIR being FIR No. 241/2016 was registered at Police Station Anand Vihar in this regard on 12th May, 2016 on the complainant of respondent no.3. In his complaint, respondent no.3 alleged that he bought a half of Royal Challenger wine from the shop running in the name and style of M/s.

Parasnath shop No. G-1D, plot No. 9B and 9C Cross River Mall, Shahdara, Delhi. However, the said bottles were not meant for sale in Delhi as the label noted “for sale in Punjab only”.

During the course of investigation, three Royal Challenge Pints “ for sale in Punjab only” were recovered from the shop. During the investigation, the authorised representative of the petitioner stated that the four bottles were supplied through M/s. United Spirits Ltd. (Meerut), 63, Rama Road, Delhi. Thus, both the petitioner and respondent no.2 were arrayed as accused in the investigation.

Learned ASC for the State submits that under Section 57(4) of the Delhi Excise Act, the offence is compoundable and petitioner and respondent no.2 have compounded the said offences and orders in this regard have been placed on record as Annexure P-3 and P-4 respectively. She states that since the offences have been compounded by the competent authority, the Investigating Officer would be filing the cancellation report.

Since the FIR was registered on the complaint of respondent no.3 - Rishi Gautam, before quashing of the FIR in question, he is required to be heard. He was thus directed to be impleaded as a party and notice was issued to him.

Mr. Rishi Gautam is present in Court and is identified by the I.O. He states that he does not wish to pursue the above noted FIR and the proceedings thereto.

In view of the fact that the petitioner and respondent no.2 have compounded the offence and respondent no. 3 has no objection to the quashing of the same FIR No. 241/2016 under Section 33 of the Delhi

Excise Act, 2009 registered at Police Station Anand Vihar and the proceedings pursuant thereto, are hereby quashed.

Petition is disposed of.

Order dasti.

MUKTA GUPTA, J.

OCTOBER 08, 2018
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