

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

Date of Order: February 13, 2019

+ **CRL.M.C. 795/2019 & CRL.M.As. 3227-28/2019**

ADITYA MITTAL

.....Petitioner

Through: Mr. Shekhar Prit Jha, Mr. Anurag
Bansal and Ms. Susmita Mahala,
Advocates

versus

STATE & ANR.

.....Respondents

Through: Mr. M.S.Oberoi, Additional Public
Prosecutor for respondent-State
with SI Rajeshwar

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
(ORAL)

Quashing of FIR No.261/2017, under Sections 279/338 of IPC, registered at police station Dwarka Sector-23, Delhi is sought on merits.

Learned counsel for petitioner submits that charge-sheet in this case has been filed and vide impugned order of 29th November, 2018 charge has been framed against petitioner for the offence under Section 279/338 of IPC.

Learned counsel for petitioner submits that there is no application of mind in filing of the charge-sheet and framing of the charge as the complainant/first informant of this FIR has not stated anything against petitioner and first informant has rather given a clean chit to petitioner.

Upon hearing and perusal of the FIR, charge-sheet and the impugned order of 29th November, 2018, I find that complainant/first informant of this FIR has categorically stated as under:-

“One Wagon-R car No. HR-26-CD-4110 driven by Hem Raj, s/o Banwari Lal, R/o H.No. 211, Ravi Nagar, while driving negligently hit him even if he tried to save himself. After another car while trying to applying the break, the car slams the wagon-R, however by that time victim got injured and there is no fault of second car.”

In view of afore-noted narration, it becomes crystal clear that prima facie case is not made out against petitioner and so, filing of charge-sheet and framing of charge against petitioner cannot be sustained. Accordingly, the FIR of this case and charge-sheet filed in the impugned order are hereby quashed.

This petition and the applications are accordingly disposed of.

(SUNIL GAUR)
JUDGE

FEBRUARY 13, 2019

v