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

+ **CRL.M.C. 5220/2018**

DANISH & ANR.

..... Petitioners

Through: Mohd. Habib, Advocate

versus

STATE & ORS.

..... Respondents

Through: Mr.Panna Lal Sharma, APP
with SI Pushpendra,
PS:Ambedkar Nagar, Delhi

CORAM:

HON'BLE MR. JUSTICE CHANDER SHEKHAR

ORDER

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05.08.2019

1. This is a petition filed under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.0140/2018, under Sections 308/341/506/34 of the Indian Penal Code, 1860 ('IPC'), registered at PS:Ambedkar Nagar, Delhi

2. Status report has been filed, wherein it is stated that, on 17.3.2018, a PCR call was received regarding a quarrel at PS:Ambedkar Nagar and the IO/SI went to the spot at Madangir, where he came to know that the injured had gone to the hospital. In continuation of that information, DDA No.13A was received at PS:Ambedkar Nagar from Trauma Centre, AIIMS in respect of the injured, Ravinder. The injured, Ravinder was declared fit for statement by the doctor. After

that, Ravinder gave his complaint/statement to the IO/SI. On the said complaint, FIR No.140/18, under Sections 323/341/506/34 IPC was registered at PS:Ambedkar Nagar. During the course of investigation, the petitioners were arrested and thereafter released on bail. Later on, Section 308 of the IPC was added and the petitioners were re-arrested and sent to judicial custody. The MLC received from the Trauma Centre, AIIMS showed that the injury caused was grievous in nature. On 24.5.2018, after completion of the investigation, the charge-sheet under Sections 308/341/506/34 IPC was filed against the petitioners.

3. Learned APP submitted that one another criminal case is pending against petitioner No.2, vide FIR No.0757/2014, under Sections 323/324/452/34 of the Indian Penal Code, 1860 ('IPC').

4. Hence, taking into consideration the fact that one another criminal case is pending against one of the petitioners and in view of the judgment of the Supreme Court in *State of Madhya Pradesh v. Laxmi Narayan & Ors.*, decided on 5.3.2019 in Criminal Appeal No.349/2019, wherein the Supreme Court set aside the order passed by the High Court quashing the FIR and held that, while exercising the power under Section 482 of the Cr. PC to quash the criminal proceedings in respect of non-compoundable offences, the High Court is required to consider the antecedents of the accused, accordingly, in view of the law laid down as well as allegations made in the FIR and also

taking into consideration the gravity of the offences, this Court is of the view that the FIR in the instant petition cannot be quashed.

5. The petition is, accordingly, dismissed.

CHANDER SHEKHAR, J

AUGUST 05, 2019/tp