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

+ CRL.M.C. 4842/2019

ASHISH

..... Petitioner

Through: Mr. Hemant Kumar Mudgil & Mr.
Sumit Kumar, Advocates.

versus

STATE & ANR

..... Respondents

Through: Mr. Sanjeev Sabharwal, APP for State
with ASI Mahesh Kumar, PS
Chanakya Puri.
R-2 in person with Mr. Amit Kumar
& Mr. Gautam, Advocates.

CORAM:

HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER

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17.02.2020

Vide the present petition, the petitioner seeks the quashing of the FIR No.77/2019, PS Chankyapuri under Sections 279/338 of the Indian Penal Code, 1860 submitting to the effect that a settlement has been arrived at between the parties vide a settlement agreement dated 17.09.2019.

In terms of proceedings dated 24.09.2019, the records of D-12924/2019 were requisitioned from the Court of the learned Judge, MACT which indicate that a settlement qua FIR No.77/2019 under Sections 279/338 PS Chankyapuri of the Indian Penal Code, 1860 and Section 146 r/w Section 196 of the Motor Vehicles Act, 1988 arrived at and thus, the records of the said DAR had been consigned to the Record Room.

The police report under Section 173 of the Cr.P.C., 1973 that has been filed initially indicates that it is one under Sections 279/338 of the Indian Penal Code, 1860 and Sections 146 & 192 of the Motor Vehicles Act, 1988. The averments in the said charge sheet further indicate to the effect that the blood sample report of the petitioner had not been received from the RFSL and would be filed through the supplementary charge sheet.

The status report submitted by the State indicates that there has been an examination conducted by the RFSL Chankyapuri for expert opinion and result opinion obtained in which expert has opined to the effect:-

“GC-HS examination (i) exhibit “1” was found to contain ‘Ethyl Alcohol’ 194.8 mg/100 mg of blood”,

as a consequence of which Section 185 of the Motor Vehicles Act has been added.

Learned counsel for the petitioners at this stage, however, seeks to withdraw the present petition which is thus dismissed as withdrawn, as prayed.

ANU MALHOTRA, J

FEBRUARY 17, 2020
‘neha chopra’