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

+ W.P.(CRL) 594/2020

ANIL DALAL

..... Petitioner

Through: Mr. Vijay Singla, Advocate.
Petitioner in person.

versus

STATE & ORS.

..... Respondents

Through: Mr. Rajesh Mahajan, ASC for the
State with Ms. Jyoti Babbar and Ms.
Shrutika Vedi, Advs. for State.
ASI Ramnesh Kumar.
Mr. Vinay Shankar, Adv. for R-2 and
2.
R-2 and 3 in person.

CORAM:

HON'BLE MR. JUSTICE RAJNISH BHATNAGAR

ORDER

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02.03.2020

Crl. M.A. No. 4587/2020 (for exemption)

Exemption allowed subject to just exceptions.

The application stands disposed of.

W.P.(CRL) 594/2020 & Crl. M.A. 4586/2020 (stay)

1. This is a petition filed under Section 482 Cr.P.C. for quashing of FIR No.4/2020, under Section 336/440 IPC, registered at Police Station- Mundka, Delhi, and all proceedings emanating therefrom.
2. Counsel appearing for the petitioner states that petitioner has settled all his disputes with respondent no.2 at whose instance the

present FIR has been lodged, and therefore, in these circumstances, the FIR be quashed.

3. In brief, the facts of the case are that respondent no.2/complainant was working at patrol pump and on 7.1.2020 at about 1.30 am, petitioner came in his Scorpio car for fueling the diesel in his car. Respondent no.2 filled diesel costing of Rs.1000/- and petitioner paid the said amount to respondent no.2 and upon showing his licensed-gun to respondent no.2, petitioner said “*Main Maar Diya Karu*” and slapped two-three times on the face of respondent no.2. Upon this respondent no.2 ran away and petitioner caught another worker of CNG pump namely Sanjay Srivastav, beaten and threatened him and fired in air by his licensed gun. At the same time, police patrolling party reached there and apprehended the accused/petitioner.

4. Respondent no.2 has made one PCR call, which was recorded in P.S.Mundka vide DD No. 07A, dated 7.1.2020, upon which ASI Uday along with ASI Ramesh Kumar reached at spot i.e H.P.Patrol Pump, Tikri Border, Delhi where one person with gun in his hand was already apprehended. On the statement of respondent no.2, the aforesaid FIR was registered against the petitioner.

5. It is stated by the counsel for the petitioner that since the matter has been amicably settled between the petitioner and respondent no.2, the FIR registered against the petitioner be quashed.

6. Looking into the allegations against the petitioner, this Court is not persuaded to accept the aforesaid contentions with regard to quashing of the FIR. It is well settled that certain offences which

have serious impact upon the society cannot be quashed. An offence under the Arms Act cannot be quashed solely on the basis of settlement arrived at between the parties. In the present case, it is alleged that a weapon had been fired and weapon and live cartridges have been recovered.

7. In view of this, the present petition is dismissed accordingly.

RAJNISH BHATNAGAR, J

MARCH 02, 2020/ib