

via Video-conferencing

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

+ **W.P.(CRL.) 1134/2020 & CRL. M.A. No. 9929/2020**

AYUSH PATANJALI & ANR.

.....Petitioners/Applicants

Through : Mr. Raghav Narayan,
Advocate.

Mr. Ayush Patanjali/Petitioner
No. 1 in-person.

Mr. Jatin Singh Virk/Petitioner
No.2 in-person.

versus

STATE OF NCT OF DELHI

..... Respondent

Through : Mr. Rahul Mehra, SSC
(Criminal) for GNCTD with
Mr.Chaitanya Gosain,
Advocate along with IO/SI
Harish Yadav, PS : Punjabi
Bagh, New Delhi.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

% **27.07.2020**

CRL.M.A. No. 9929/2020 (for exemption)

Exemption is granted, subject to just exceptions.

The application stands disposed of.

W.P.(CRL.) No. 1134/2020

By this joint petition, the petitioners seek quashing of FIR No. 161/2020 registered under sections 279/337 IPC registered at PS : Punjabi Bagh, New Delhi.

2. The matter arises from a motor vehicle accident that occurred on 01.03.2020 at around 7.00 a.m., when petitioners Nos. 1 and 2, who were driving 02 separate cars met with an accident. While plying down the Punjabi Bagh flyover, in order to save a stray dog who came in front of his vehicle, petitioner No. 2 suddenly applied brakes by reason of which he lost control of his car, which turned turtle and toppled-over to the other side of the road. By reason of such sudden braking, petitioner No. 1, who was driving behind petitioner No. 2 in a different car, also lost control of his car which also toppled-over.
3. As per the averments contained in the petition and the oral submissions made, the cars did not collide with each other; and both petitioners sustained only simple injuries, for which they were taken to different hospitals.
4. Mr. Raghav Narayan, learned counsel appearing for the petitioners submits that this was a case of a simple accident caused by reason of a stray dog running onto the road when both vehicles were descending off the flyover; that none of the petitioners was inebriated; nor has any of the petitioners made any allegation against the other of rash or negligent driving. Neither of the petitioners was arrested in the matter. Counsel further submits that while section 337 IPC is compoundable, section 279 IPC is not.
5. Counsel further submits that since the injuries sustained were simple; and both petitioners have now recovered fully from their injuries, there is no claim, whether monetary or otherwise, by one against the other.
6. Issue notice.

7. Mr. Rahul Mehra, learned Senior Standing Counsel for Govt. of NCT of Delhi appears on advance copy ; accepts notice ; and submits that though a formal status report has been filed by the State, it appears that is not on record; but the State does not dispute what is stated in the petition.
8. The Investigating Officer of the case, S.I. Harish Yadav from PS: Punjabi Bagh is also present and does not dispute the contents of the petition or the oral submissions made on behalf of the petitioners.
9. Petitioner No. 1, Ayush Patanjali and petitioner No. 2, Jatin Singh Virk have also joined the hearing by video-conferencing. Mr. Narayan has identified both petitioners. The court has made certain inquiries from them; and they confirm that they have filed the present petition jointly; and that they stand by the contents of the petition and the prayers made therein.
10. Counsel for the petitioners as well as Senior Standing Counsel for GNCTD, on instructions of I.O./S.I. Harish Yadav, confirm that no third party was involved in, or affected by, the incident.
11. Upon a conspectus of the facts and circumstances, considering the nature of the incident, the offences cited, and the fact that the petitioners have stated that they have no claims against each other and no third party was involved or affected; and that the petitioners have filed this joint petition seeking quashing of the FIR, this court finds no reason to decline the prayer.
12. Accordingly, FIR No. 161/2020 registered under sections 279/337 IPC at PS : Punjabi Bagh, New Delhi and all proceedings and claims arising therefrom are hereby quashed.

13. The writ petition is allowed. Pending applications, if any, also stand disposed of.

ANUP JAIRAM BHAMBHANI, J.

JULY 27, 2020/j