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

+ **W.P.(CRL) 1185/2020**

JOGINDER SINGH

..... Petitioner

Through Mr Omkar Sharma, Advocate.

versus

THE STATE(NCT OF DELHI)

..... Respondent

Through Mr Rajesh Mahajn, ASC with Ms Jyoti Babbar, Advocate for State with ASI Rajiv PS Gazipur.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

O R D E R

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21.08.2020

[hearing held through videoconferencing]

1. The petitioner has filed the present petition, *inter alia*, praying that FIR No. 250/2020 under Sections 279/337 of the IPC registered with PS Ghazipur and all proceedings emanating therefrom, be quashed.
2. The said FIR was registered on the basis of a PCR Call received on 03.07.2020 regarding an accident. It is alleged that on 03.07.2020, the petitioner was driving a vehicle bearing no. DL-7C-N-9209 (make Swift-Dzire) and it had collided against respondent no.3 (Smt Noorjahan). The resultant injuries suffered by her were grievous.
3. During the course of investigation, the petitioner was also medically examined and the concerned doctor had made observations to the effect that the petitioner's breath smelled of alcohol. The petitioner's MLC also bears a noting: "***RTA Breath Alcohol Smell ++ U/O***". In view of the above noting

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Section 185 of the Motor Vehicles Act, 1988 was also added in the FIR.

4. The status report has been filed which indicates that after further investigation it was found that there was no material to indicate that the alcohol contained in the petitioner's body exceed 30 mg per 100 ml (which is the upper permissible limit). Accordingly, the offence under Section 185 of the Motor Vehicles Act, 1988 has been dropped.

5. Respondent nos. 2 and 3 have joined the proceedings. They have been identified by the investigating officer. They state that they have since resolved their disputes with the petitioner in terms of a Memorandum Of Understanding/Settlement dated 28.07.2020. They acknowledge that pursuant to the said settlement they have received a compensation of ₹2 lakhs towards full and final settlement of their claims. They state that they have no further claims against the petitioner and join the petitioner in praying that the FIR in question be quashed.

6. The petitioner has also joined the proceedings and is identified by his counsel. He states that he has no grievance against respondent nos. 2 and 3.

7. In view of the statements made by the concerned parties (the petitioner and respondent nos. 2 and 3) this Court considers it apposite to allow the present petition. Accordingly, the FIR No. 250/2020 under Sections 279/337 of the IPC registered with PS Ghazipur and all proceedings emanating therefrom are quashed

8. The petition is allowed in the aforesaid terms.

VIBHU BAKHRU, J

AUGUST 21, 2020/pkv