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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(CRL) 177/2023**

LOVEKESH KUMAR OHRI

.....Petitioner

Through: Mr. Alok Sharma and Mr. Avijeet
Banerjee, Advocates.

versus

THE STATE (GOVT. OF NCT OF DELHI) & ANR.

.....Respondents

Through: Ms. Nandita Rao, ASC for State
alongwith ASI Sube, IO with SI
Paramjeet, P.S.Ranhola.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

19.09.2024

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1. Criminal Writ Petition under Article 227 of the Constitution of India read with Section 482 Cr.PC has been filed for quashing of FIR No.748/2017 under Sections 33/38/58 of the Delhi Excise Act, P.S.Ranhola.
2. It is submitted that the petitioner was the original owner of Zen car bearing No.DL-4CK-3315 which had been sold to Ankit and from him the car had changed several hands when it was finally sold to the co-accused Pradeep Kumar on 07.10.2017.
3. On 29.10.2017 at about 11.45 PM Pradeep driving the car was apprehended and spiced country liquor was recovered from the vehicle. Pradeep Kumar was arrested and the Zen car was seized. After investigations, the Chargesheet was filed in the Court and the cognizance under the offence under Sections 33/38/58 of the Delhi



Excise Act was taken. The Charge under Sections 33/38/58 of the Delhi Excise Act was framed against the co-accused Pradeep while the Charge under Section 58 of Delhi Excise Act was framed against the petitioner, by the learned M.M vide order dated 06.03.2019.

4. It is submitted that the petitioner had sold the car which has been confirmed by the police during the investigations. There is no offence committed by the petitioner against whom the FIR is liable to be quashed.

5. The **Status Report** has been filed on behalf of the State wherein it has been confirmed that during the investigations that the original ownership of the vehicle was Lovkesh Ohri had sold the car to Ankit. Thereafter, Ankit sold it to Sohail Saifi and the car was eventually sold to Pradeep, the co-accused who was apprehended while driving the vehicle.

6. Considering that during the investigations it has been confirmed that the car stood sold by the petitioner ultimately to Pradeep, no prima facie offence is made out against the petitioner and the proceedings under Section 58 of the Delhi Excise Act against the petitioner is hereby quashed.

7. The petition is disposed of.

NEENA BANSAL KRISHNA, J

SEPTEMBER 19, 2024

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