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

+ **W.P.(CRL) 1331/2023, CRL.M.A. 12561/2023**

SURESH CHANDRA RATHAUR

.....Petitioner

Through: Mr. Pawan Kumar, Advocate with
petitioner in person.

versus

STATE AND OTHERS

.....Respondent

Through: Mr. Rahul Tyagi, Ld. ASC for State
with SI Shamsheer Singh P.S. Paschim
Vihar East.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

% **12.09.2024**

1. A Petition under Article 226 and 227 of Constitution of India has been filed for quashing the impugned Order dated 22.11.2018 and 20.04.2022 and to direct reinvestigations in the matter.
2. As per the petition, the incident took place on 29.10.2014 with the motorcycle bearing No.DL4SCA4042 being driven by respondent No.2 Munesh Kumar in which the daughter of the petitioner suffered injuries and unfortunately died. FIR No.807/2014 under Section 279/304A IPC Police Station Paschim Vihar was registered. The petitioner also filed a complaint under Section 156(3) Cr.P.C to register FIR under Sections 302, 120B, 304B, 498A, 406 & 34/506 IPC. The ATR filed by the Police on 13.04.2015 was not satisfactory as there is no appreciation of the magnitude of the degree of offence or the gravity of circumstances. The Status Report dated 23.03.2016 filed on behalf of the Police was incomplete. The Protest



Petition dated 08.02.2017 was filed during the pendency of the Complaint Petition before the learned M.M, Tis Hazari. The application for conducting the Polygraphy Test was dismissed on 06.08.2018. The learned M.M dismissed the so called Protest Petition on 22.11.2018 by observing that the Complaint under Section 156(3) was at the PE stage. It is claimed that the Revision was preferred against the said Order which was also dismissed by the learned ASJ vide Order dated 20.04.2022. Aggrieved by the said Order, the present petition has been filed.

3. Submissions heard.

4. An unfortunate incident had occurred on 29.10.2014 in which the daughter of the petitioner lost her life. However, after due investigations Chargesheet under Section 279/304A IPC has already been filed which is pending trial before the learned M.M. The petitioner has filed a separate complaint/application under Section 156(3) which was still being examined by the learned M.M.

5. The learned M.M vide Order dated 01.10.2015 has directed under Section 210(1) Cr.P.C to tag the complaint along with the FIR in which the trial is ongoing.

6. The grievances raised by the petition can be well addressed during the trial. The petitioner has already preferred an application under Section 319 Cr.P.C for summoning of respondent No.2.

7. There is no infirmity or illegality in the impugned Order and the petition is hereby dismissed.

NEENA BANSAL KRISHNA, J

SEPTEMBER 12, 2024/va