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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 3566/2024**
GURDEEP SINGH OBEROI Petitioner
Through: **Mr. Shaurabh Yadav, Adv.**

versus

STATE (NCT OF DELHI) Respondent
Through: **Ms. Kiran Bairwa, APP for State with**
SI Naveen Saini and ASI Dharmender,
PS Palam Village.

CORAM:
HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

ORDER

06.05.2024

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CRL.M.A. 13703/2024

Exemption allowed, subject to just exceptions.

Application stands disposed of.

CRL.M.C. 3566/2024

1. Petition under Section 482 of the Code of Criminal Procedure, 1973 ('Cr.P.C.') has been preferred on behalf of the petitioner for quashing of FIR No. 114/2023 under Sections 33/52/58 Delhi Excise Act, 2009 registered at P.S.: Palam Village and proceedings emanating therefrom.
2. Issue notice. Learned APP for the State appears on advance notice and accepts notice.
3. In brief, petitioner Gurdeep Singh Oberoi is the husband of Ms. Rupinder Kaur Oberoi, who is registered owner of Maruti SX4 bearing registration No. DL-3C-AZ-3172. The aforesaid vehicle is claimed by petitioner to have been sold to one Amanjot Singh against a delivery receipt



dated 17.09.2022, who assured that he would get the vehicle transferred in his name within a period of one month from the date of sale of said vehicle. However, wife of the petitioner was served with a notice under Section 133 of M.V. Act and thereafter a notice under Section 41A Cr.P.C. was issued to the petitioner since the aforesaid vehicle was found involved in FIR No. 0114/2023, under Sections 33/52/58 Delhi Excise Act, 2009, registered at P.S.: Palam Village, as 2500 pouches of countrymade liquor were recovered from the said vehicle driven by one Pradeep.

4. Learned counsel for the petitioner submits that neither the wife of the petitioner, nor the petitioner is in any manner involved in the aforesaid offence as the vehicle had been sold for consideration of Rs. 50,000/- received in cash. He further submits that a complaint under Section 200 Cr.P.C. alongwith application under Section 156(3) Cr.P.C. has also been filed against Amanjot Singh for registration of FIR under Section 406/420 IPC bearing CC No. 697/2024.

5. On the other hand, petition is vehemently opposed by learned APP for the State. It is pointed out that the stand taken by the petitioner could not be supported during the course of investigation and the chargesheet has since been filed against Pradeep as well as petitioner, who is the husband of the registered owner namely Ms. Rupinder Kaur Oberoi. It is urged that no intimation had been given on behalf of petitioner or his wife with the Transport Authorities intimating the sale of aforesaid vehicle nor any such complaint was lodged with the police prior to registration of FIR in question.

6. Admittedly, the chargesheet has been filed on behalf of investigating agency. The petitioner has been arrayed as an accused since the wife of the petitioner Ms. Rupinder Kaur Oberoi in her statement during investigation



had informed that though she is the registered owner of the vehicle, but the same was being used by the petitioner. Petitioner failed to intimate the Transport Authorities as well as lodge any complaint regarding unauthorized use of the vehicle by said Amanjot Singh prior to registration of the present FIR. The defence taken by the accused can be appropriately looked into during the course of trial, as the same could not be corroborated during investigation.

In the facts and circumstances, no grounds for quashing of FIR are made out at this stage.

Petition is accordingly dismissed. Pending applications, if any, also stand disposed of.

ANOOP KUMAR MENDIRATTA, J.

MAY 06, 2024/akc