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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 5533/2023, CRL.M.A. 20872/2023**

VIVEK KUMAR GUPTA

.....Petitioner

Through: **Mr. Soibal Gupta and Mr. Himanshu Swami, Advocates.**

versus

STATE OF DELHI & ANR.

.....Respondent

Through: **Mr. Sanjiv Sabhrawal, APP for State.
Mr. Jitendar and Mr. Suresh Kumar,
Advocates for respondent No.2.**

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

06.09.2024

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1. By way of present petition, the petitioner seeks quashing of FIR No. 0423/2022 registered under Sections 279/338 IPC at P.S. Moti Nagar, Delhi on merits.
2. The present petition is premised on the ground that the FIR in question has been registered in complete violation of procedure and specially in the teeth of decision of the Supreme Court in Ramsinh Bavaji Jadeja v. State of Gujarat reported as **(1994) 2 SCC 685**, inasmuch as, the same provides that any telephonic information about the incident first needs to be enquired into and only on coming to know of further facts, an FIR can be registered. A copy of the charge-sheet has been placed on record as per which, a telephonic information about the incident was received by the concerned officer who on reaching the spot came to know that the injured had been taken to the hospital. He visited the hospital and collected the MLC and thereafter *rukka* was sent for registration of FIR. No other



submission have been addressed.

3. The learned APP for the state submits that on 23.06.2023, a complaint was received regarding a grey-coloured car bearing No. UP70FX9721, which had hit a person on a scooty and fled the scene. Following this, police official arrived at the location of the incident and discovered that the injured individual had been taken to the hospital. Upon recording the statement of the victim's son under Section 161 CrPC and confirming that a cognizable offense had been committed, the present FIR came to be registered.

It is also to be noted that on 23.06.22, notice u/s 133 MV Act served to the registered owner Dr. Vivek Kumar Gupta in reply of which accused stated that *"That his car No. UP70FX9721, he was driving the car on 22.06.2022 at around 9:00 PM, he was coming from DDU Hospital through Moti Nagar to Patel Nagar. He was the owner of the above-mentioned car."*

4. The submission of the petitioner that the FIR in question has been registered in complete violation of the procedure, inasmuch as, there was no enquiry done before registration of the said FIR is misplaced as it is the trite law that there is no reason that there should be any discretion or option left with the police to register or not to register an FIR when information is given about commission of a cognizable offence. Therefore, I find no ground to quash the present FIR. Consequently, the petition stands dismissed alongwith pending application.

MANOJ KUMAR OHRI, J

SEPTEMBER 6, 2024/ga