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

+ CRL.M.C. 5642/2024, CRL.M.A. 21531/2024

SATYA PRAKASH AGARWALPetitioner

Through: Mr. Rachit Mittal, Mr. Parish Mishra
and Mr. Kanishk Raj, Advocates.

versus

STATE (NCT) OF DELHI

.....Respondent

Through: Ms. Meenakshi Dahiya, APP for State
with SI Abhimanyu, PS: Aman Vihar,
Rohini.

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

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24.07.2024

CRL.M.A. 21530/2024 (Exemption)

1. Allowed, subject to all just exceptions.
2. Application stands dispose of.

CRL.M.C. 5642/2024

1. This petition has been filed for quashing of the FIR No. 1164/2018, registered at PS: Aman Vihar, Delhi, under Sections 33/ 58 of the Delhi Excise Act, 2009.
2. The background facts and circumstances are that the petitioner purchased Mahindra Scorpio having registration no. HR-18-6800 in 2003 and thereafter sold it in 2004 to one Mrs. Neelam Kapoor. The vehicle was transferred in the name of Mrs. Kapoor and the RC copy is appended as part of the record confirming the same.



3. Thereafter, a notice was received by the petitioner under this FIR for production of documents and under Section 41A Cr.PC.
4. The petitioner who is 84-year-old person duly presented himself and provided all the relevant information to the IO.
5. Charge sheet was filed on 19th September, 2022.
6. Statements of Ms. Neelam are on record, where she admits that she bought the car from the petitioner, and then transferred it to Mr. Sunil Mittal. Statement of Mr. Mittal is on record, who says he bought it from Mrs. Neelam Kapoor and transferred it to Mr. Praveen Dabas. Praveen Dabas, in turn, says he transferred the car to Raj Kumar.
7. Raj Kumar was the one who allegedly driving the vehicle in which consignment of country made liquor was seized.
8. In these circumstances, the FIR and proceedings emanating therefore do not subsist *qua* the petitioner.
9. Accordingly, the said FIR is quashed *qua* the petitioner and proceedings emanating therefrom.
10. 'Dasti'
11. Order be uploaded on the website of this Court.

ANISH DAYAL, J

JULY 24, 2024/RK

[Click here to check corrigendum, if any](#)