

Shely Devgan Vs. State and Another

Shely Devgan Vs. State and Another

SooperKanoon Citation : sooperkanoon.com/948553

Court : Delhi

Decided On : Feb-28-2012

Judge : Suresh Kait

Appeal No. : CRL.M.C. 739 of 2012

Appellant : Shely Devgan

Respondent : State and Another

Judgement :

SURESH KAIT, J. (Oral)

Cri. M.A. 2610/2012 (exemption)

Exemption is allowed subject to just exceptions.

Criminal M.A. stands disposed of.

Cri. M.C. 739/2012

1. Notice issued.
2. Ld. APP accepts notice on behalf of the State.
3. Respondent no. 2 and 3 are present in person.

4. Ld. Counsel for the petitioner submits that vide FIR no. 177 dated 24.10.2011, case under Sections 279/304A Indian Penal Code,1860 was registered against the petitioner at PS-Baba Hari Dass Nagar.

5. Ld. Counsel for the petitioner further submits that respondent no. 2 is the complainant / informant of the FIR mentioned above and respondent no. 3 is the wife of the deceased Praful, who died in the accident on 24.10.2011.

6. It is further submitted that petitioner is the brother-in-law of respondent no. 3, in other words, deceased and the petitioner were co-brothers. Therefore, respondent no. 3 wife of the deceased has compromised all the issues qua the aforesaid FIR vide compromise deed dated 24.02.2012.

7. Ld. Counsel has further submitted that respondent no. 2 and 3 are no more interested to pursue the case, therefore, instant petition may be allowed.

8. Respondent no. 2 and 3 are present in person, who are identified by ASI Lakh Ram, IO of the case present in Court. Respondent no.2 and 3 both submitted that there was no mistake on the part of petitioner. The accident was a matter of chance. Even otherwise, petitioner is taking care of respondent no. 3, who is his real sister-in-law and also taking of her 15 months old daughter. Therefore, if this petition is not allowed, it will be greater injustice to the respondent no. 3.

9. It is further submitted that they do not want to pursue the case further and have no objection, if the FIR mentioned above is quashed.

10. Ld. APP on the other submits that the investigation is going on. She further submits that Sections 304A is non-compoundable in nature. However, keeping in view the peculiar facts and circumstance of the case, she is not opposing in allowing the instant petition. She further submits that if this petition is not allowed, it will be a greater injustice to respondent no.3 and her 15 months old daughter.

11. Keeping in view the compromise deed dated 24.02.2012, statement of respondents no.2 and 3, statement of Id. APP, on humanitarian ground and in the interest of justice, I quash the FIR no.177 dated 24.10.2011 registered at

PS-Baba Haridass Nagar.

12. Accordingly, Crl.M.C. 739/2012 is allowed.

13. Dasti.

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com