



2025:DHC:6134



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

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Date of decision: 23.07.2025

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CRL.M.C. 2727/2024 & CRL.M.A. 10387/2024 STAY

ABDUL MOGHNI

.....Petitioner

Through: Mr. Mukesh Anand, Mr.
S.P.Thakur, Adv.
Petitioner in person.

versus

THE STATE OF NCT OF DELHI AND ANR.Respondent

Through: Mr. Satinder Singh Bawa, APP
for the State with SI P.Buno,
P.S.Madhu Vihar.
Mr. Shubham Tyagi, SSC with
Ms. Navruti Ojha, Mr. Harish
Saini and Mr. Rishabh
Chauhan, Adv.

CORAM:

HON'BLE MR. JUSTICE RAVINDER DUDEJA

JUDGMENT (ORAL)

RAVINDER DUDEJA, J.

1. This is a petition filed on behalf of petitioner under Section 482 of Code of Criminal Procedure ["Code"] seeking quashing of FIR No. 0299/2020, dated 23.09.2020, registered at PS Madhu Vihar under



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Sections 279/337IPC alongwith all consequential proceedings emanating therefrom.

2. As per the status report, on 22.09.2020, a PCR call vide GD No. 99A was received regarding an accident at P.S.Madhu Vihar. The Investigating Officer (IO) along with staff reached at the spot where scooty no. DL7SCB 1687 was found in an accidental condition. On enquiry, it came to the notice that injured had already been taken to the Lal Bahadur Shashtri Hospital ('LBS Hospital') by PCR Van. IO reached LBS Hospital and recorded the statement of the injured Ajay wherein he stated that on 22.09.2020 at about 9:10 PM, he was going to the residence of his friend in Mandawali from his residence on his scooty No. DL7SCB 1687 and when he reached in front of Milan Apartment red light, one car came from the side of the Balco Market and hit scooty from the front side, as a result of which he fell down. The driver of the offending car lifted him and got him seated on the side pavement. When the driver of the car tried to run away from the spot, he noted down the registration number of the offending vehicle as DL 2C 1671. He stated that he can identify the offending car driver.

3. On such statement of the injured, FIR was registered under Section 279/337 IPC. A search for offending vehicle and driver was made but no clue was found. No CCTV camera was found installed near the place of incident.

4. The ownership of the offending vehicle no. DL2C-1671 was obtained. The vehicle was found registered in the name of the



petitioner. The petitioner could not be traced at the registered address and therefore untraced report was prepared and placed before the court.

5. During the DAR proceedings, complainant stated that no proper effort was made to work out the case. Fresh effort was therefore made to trace the registered owner of the offending vehicle. Ultimately, he was traced in Bihar.

6. On 25.08.2023, the petitioner was interrogated at his residence in Bihar. During interrogation he disclosed that he had sold the offending vehicle to a scrap dealer. He could not produce the receipt of selling the offending vehicle to the scrap dealer. After completing the investigation, chargesheet was filed against the petitioner under Section 279/338/201 IPC.

7. Learned counsel for the petitioner submits that the alleged vehicle was registered in the year 1990, and petitioner was its third registered owner, upon completion of 15 years of its life, the vehicle was disposed of as scrap in the year 2005 and was not in existence on the date of alleged accident. He further submits that petitioner handed over the receipt of the scrap dealer to the investigating officer.

8. It is further submitted that injured has not given the correct number of vehicle as also admitted by the investigating officer in his report before the MACT Court.

9. Learned counsel further submits that in his supplementary statement, the injured categorically stated that he cannot identify the



driver and that he was seated on the side pavement by the public persons.

10. It is submitted that neither the driver was caught nor the vehicle was seized from the spot and it is a case of wrong noting of the number of the offending vehicle. It is thus argued that no offence is made out against the petitioner and therefore, the FIR as also the consequent proceedings emanating therefrom are liable to be quashed.

11. Section 482 of CrPC embodies the inherent powers of the High Court to make such orders as may be necessary to give effect to any order under the Code, to prevent abuse of the process of the court, or to secure the ends of justice. Jurisdiction under this section has to be exercised to prevent abuse of the process of any court or otherwise to secure the ends of justice. This section was enacted to emphasize the fact that the High Court has the widest jurisdiction to pass orders to secure the ends of justice, and therefore, if the High Court feels that the ends of justice require that an order should be made in a petition, then High Court shall entertain the petition and make necessary orders.

12. In the case of *G. Sagar Suri v. State of U.P.*, (2000) 2 SCC 636, the Supreme Court observed that:

9. In State of Karnataka v. L. Muniswamy [(1977) 2 SCC 699 : 1977 SCC (Cri) 404 : AIR 1977 SC 1489 : (1977) 3 SCR 113] this Court said that in the exercise of the wholesome power under Section 482 of the Code the High Court is entitled to quash a proceeding if it comes to the conclusion that allowing the proceeding to continue



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would be an abuse of the process of the court or that the ends of justice require that the proceedings are to be quashed.

13. Coming to the facts of this case, admittedly it is a hit and run case. There is no other eye witness of the occurrence except the injured himself. Admittedly, petitioner was not apprehended from the spot. He has been implicated merely on the basis of the fact that he is the registered owner of the vehicle. Even though in his initial statement, which is the basis of the registration of the FIR, injured stated that he can identify the driver of the offending vehicle, in the supplementary statement recorded under Section 161 Cr.P.C, he stated that he cannot identify the driver.

14. No notice under Section 133 of Motor Vehicles Act was given to the petitioner to furnish the driver's detail. Thus there is no evidence that petitioner was driving the offending vehicle at the time of the accident. No effort seems to have been made for test identification parade of the petitioner. The petitioner being the registered owner of the vehicle, being the sole basis of his implication is not sufficient, more so, when the plea of the petitioner is that it was an old vehicle, and after it completed its life of 15 years, it was sold to scrap dealer on 15.04.2006. He passed this information to the ASI Ramroop of P.S. Madhu Vihar (Annexure P-4) along with the receipt of scrap dealer dated 15.04.2006 (Anenxure P-5). However, no effort was made to verify the receipt.



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15. Interestingly, SHO, P.S.Madhu Vihar filed a report before the MACT court stating that initially PCR call was that the offending vehicle was of white colour Alto while subsequently in his statement the injured narrated that the offending car was Maruti car. The stand of SHO in his report was that the complainant noted down the incorrect registration number and colour of the offending vehicle.

16. In view of the above, the Court is of the considered view that the case of the prosecution bristles with serious shortcomings so much so it lacks the requisite evidence that petitioner was the driver of the offending vehicle. In such circumstances, there is no possibility of conviction of the petitioner. No useful purpose shall be served by forcing the petitioner to undergo the mill of trial.

17. In view thereof, the petition is allowed. FIR No.0299/2020, under Sections 279/337 IPC registered at P.S.Madhu Vihar along with chargesheet and the consequential proceedings emanating therefrom is hereby quashed.

18. Petition is allowed and disposed of accordingly.

19. Pending application(s), if any, also stand disposed of.

RAVINDER DUDEJA, J

JULY 23, 2025/ib/ak/na