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

+ CRL.M.C. 2797/2011

GIRISH KUMAR SHARMA

..... Petitioner

Through: Mr. A.K. Verma, Advocate.
versus

STATE & ANR

..... Respondents

Through: Mr. Mukesh Gupta, APP for the State.
Mr. Manish Bhaduria, Advocate for
Respondent No. 2 with Respondent
No. 2 in person.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

23.11.2011

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By the present petition the Petitioner seeks quashing of FIR No. 630/2006 under sections 279/304A registered at PS Shahdara, Delhi and the subsequent proceedings thereto on the ground that the parties have settled the matter.

The allegations as set out in the FIR are that on 13th December, 2006 the Respondent No. 2 and his brother were going to Shahdara by Motorcycle No. DL-7SAF-4872 when the Petitioner who was driving the car hit them, resulting in the death of the brother of Respondent No. 2 Anuj and injuries to the Respondent No.2.

The Hon'ble Supreme Court in *State of Karnataka v. Sharanappa*

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Basanagouda Aregoudar, (2002)3 SCC 738 has held that in cases where accused are guilty of rash and negligent driving, Courts have to be on guard to ensure that they do not escape the clutches of law very lightly. The sentence imposed by the courts should have deterrent effect on potential wrongdoers and it should be commensurate with the seriousness of the offence.

In the present case the Petitioner is facing trial for offence wherein the deceased died due to the rash and negligent act of the Petitioner. The offence under Section 304A IPC is non-compoundable. There is no reason why a lenient view should be taken. I do not find it to be a fit case for quashing of FIR on the ground that the parties have settled the matter.

Petition is dismissed.


MUKTA GUPTA, J.

NOVEMBER 23, 2011

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