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

+ W.P.(CRL) 1119/2017

ZUBAIR KHAN

..... Petitioner

Through: Mr. Vishal Raj Sehijpal, Adv. with
Mr. Suhail Khan, Adv.

versus

STATE NCT OF DELHI

..... Respondent

Through: Ms. Richa Kapoor. ASC for the State
with Ms. Seema Patnaha, Advocate
SI Kuldeep Singh, PS Model Town.

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

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19.04.2017

The First Information Report (FIR) No.584/2016 registered on 11.11.2016 in Police Station Model Town Delhi alleges offences having been committed as are punishable under Sections 279/338 of Indian Penal Code, 1860 (IPC). The allegations in the said FIR which are presently subject matter of investigation are that a motor vehicular accident was caused due to rash or negligent driving of a motor vehicle, it having been described as a car bearing registration no.DL-9C-N-6060. It appears that the car by such description is registered in the name of the petitioner. It is the position taken by the petitioner that his car was not involved in such accident and that its number has been wrongly mentioned under some confusion. He claims that the car which belongs to him was actually in Hyderabad at the relevant point of time. He has already submitted some proof in this regard to the investigating police officer. As per the status report, the proof offered by the petitioner is being investigated into.

In these circumstances, it will not be proper to entertain any prayer for quashing of the FIR on such submissions. Non-involvement of the car of the petitioner, even if substantiated, would not mean no accident took place or no injuries have been suffered due to rash or negligent act. The matter would have to be properly investigated by the police in accordance with law for a report of the investigation to be submitted for necessary consideration before the appropriate magisterial Court

The writ petition is dismissed.

R.K.GAUBA, J.

APRIL 19, 2017
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