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

+ **W.P.(CRL) 3181/2017**

MOHD BIN ABDULLAH

..... Petitioner

Represented by: Mr.Ankur Sood, Ms.Romila Mandal
and Mr.Ankush Bhardwaj, Advocates

versus

THE STATE GOVT OF NCT OF DELHI & ORS Respondents

Represented by: Mr.Rajesh Mahajan, ASC for the
State with Ms.Jyoti Babbar, Advocate
and SI Ompal Singh, PS Khajuri
Khas, Delhi

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER
19.09.2018

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1. By this petition, petitioner seeks quashing of FIR No.412/2013 under Sections 279/337 IPC registered at PS Khajuri Khas on the ground that parties have settled the matter and also the fact that the ingredients of offence are not made out from a perusal of the charge sheet. After investigation charge sheet for offences punishable under Sections 279/304A IPC Though the petitioner has placed on record a copy of the charge sheet however the accompanying statements of the witnesses under Section 161 Cr.P.C. have not been filed before this Court.

2. Be that as it may, from the charge sheet it is evident that Ms.Neeta Rani, daughter-in-law of the deceased Jagdish Sharma has been cited as an

W.P.(CRL) 3181/2017

page 1 of 2

eye witness. In her statement recorded under Section 161 Cr.P.C. Neeta Rani stated that she was coming along with her father-in-law from shopping and while coming back, her father-in-law was a few steps ahead of her. Suddenly the accused on his motor cycle No.DL 13 SJ 1340 came from opposite direction driving at a high speed and in a rash and negligent manner hit her father-in-law whose head then hit the pavement resulting in the injury. She immediately took him to the hospital where he died. In view of this statement of Neeta Rani, the claim of the petitioner that there is no material on record to substantiate the allegations of the prosecution case deserves to be rejected.

3. Further, considering the observations of the Supreme Court in the decision reported as AIR 2000 SC 1677 Dalbir Singh vs.State of Haryana and AIR 2012 SC 861 State of Punjab vs. Balwinder Singh, wherein it was held that the offence of driving rashly and negligently is required to be taken sternly, this Court finds no ground to quash the FIR in question even on the basis of compromise.

4. Petition is dismissed.

MUKTA GUPTA, J.

SEPTEMBER 19, 2018

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