

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

*Date of Order: January 08, 2019*

+ CRL.M.C. 3878/2017 & CrI.M.A. 15656/2017

SAURABH GUPTA

..... Petitioner

Through: Mr. R.L.Kohli & Mr. Varun  
Yadav, Advocates

Versus

THE STATE & ANR.

..... Respondents

Through: Ms. Neelam Sharma, Additional  
Public Prosecutor for respondent-State

**CORAM:**

**HON'BLE MR. JUSTICE SUNIL GAUR**

**ORDER**  
**(ORAL)**

1. Quashing of FIR No.136/2017, under Sections 279/304-A IPC, registered at police station Mukherjee Nagar, Delhi is sought by petitioners on the basis of statement made by respondents-complainants in proceedings before the Motor Accident Claims Tribunal. Affidavits of respondents-complainants are also relied upon to seek quashing of FIR in question.

2. Upon hearing and on perusal of charge-sheet of this case, statement made by complainant party and their affidavits, I find that the said statements were made by complainant party in proceedings before the Motor Accident Claims Tribunal and the same cannot be the basis to quash the FIR in question. Such a view is being taken as rash and

negligent driving is rampant. In the instant case, due to rash and negligent driving of petitioner, a valuable life has been lost. Merely on the basis of settlement in proceedings before the Motor Accident Claims Tribunal at a paltry amount of ₹6,50,000/- to the legal heirs of deceased, quashing of FIR in question would send a wrong signal to the society.

3. A coordinate Bench of this Court in *Manish Sahni Vs. State of NCT of Delhi & Ors.* 2018 SCC OnLine Del 12409, while relying upon Supreme Court's decisions in '*Gian Singh Vs. State of Punjab*' (2012) 10 SCC 303; *Narinder Singh v. State of Punjab* (2014) 6 SCC 466 and *Parbatbhai Aahir alias Parbatbhai Bhimsinhbhai Karmur Vs. State of Gujarat* (2017) 9 SCC 641, in a case like the instant one, has refused to quash the FIR pertaining to offence of rash and negligent driving.

4. In view of aforesaid, this Court is not inclined to quash the FIR of this case, in which charge has been already framed and matter is pending before the trial court for recording of evidence.

5. Consequentially, this petition and application are accordingly dismissed.

(SUNIL GAUR)  
JUDGE

**JANUARY 08, 2019**

r