

* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ **CRL.M.C. No.149/2010**

Decided on 18.08.2010

IN THE MATTER OF :

LALIT BENIWAL

..... Petitioner

Through : Mr. Sudhir Naagar, Advocate
along with petitioner in person.

versus

STATE & ORS.

..... Respondents

Through : Mr. M.N. Dudeja, APP for State.
Respondents No.1 & 2 in person

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*** HON'BLE MS.JUSTICE HIMA KOHLI**

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| 1. Whether Reporters of Local papers may be allowed to see the Judgment? | No. |
| 2. To be referred to the Reporter or not? | No. |
| 3. Whether the judgment should be reported in the Digest? | No. |

HIMA KOHLI, J. (Oral)

1. The present petition is filed by the petitioner under Section 482 of the Cr.P.C. praying *inter alia* for quashing of FIR No.275/2006, lodged by respondent No.3/complainant against the petitioner under Sections 279/337/307/506 IPC registered with PS Saraswati Vihar.

2. The subject matter of the FIR is a complaint received from Sh.Suhaib Ahmed/respondent No.3, employed with FRRO, Delhi Police. The complainant stated that on 13.3.2006, he was accompanied by the respondent No.2 and Constable Pawan Kumar and after finishing his duties, they got down from the bus at the Deepali Chowk. While crossing the road

to access his two wheeler parked at Shakti Vihar Chowki, the petitioner was found to be driving a Santro Car in a rash and negligent manner and while driving down from Peera Garhi Chowk, his vehicle hit the respondent No.2. When the car of the petitioner stopped at the red light, the complainant and the respondent No.2 admonished the petitioner, whereupon he misbehaved with them and upon the signal turning green, the petitioner crossed over and turned back on the same road and tried to run down the complainant and the respondent No.2 who fell down due to the impact of the car. At the same time, the accused drove away the vehicle towards Rani Bagh. As a result of falling on the road, the respondent No.2 suffered a fracture on his left hand. Upon receiving the complaint, the police authorities carried out necessary investigations and now the case is stated to be at the stage of recording of evidence of the prosecution.

3. Counsel for the petitioner states that at the time of the incident, the petitioner was very young and only 19 years of age and is remorseful for his conduct and the high handed manner in which he treated the respondent No.2 and the complainant/respondent No.3. He further states that originally, the FIR was lodged under Sections 279 & 337 IPC. However, later on, the provisions of Sections 307 & 506 IPC were added and that in fact, there was no intention on the part of the petitioner to commit any culpable homicide and that no injury was actually caused on any vital part of the respondents and as such, no offence is made out under Section 307 IPC. He further states that after the aforesaid incident, the petitioner has not been involved in any other incident of road rage and nor has he committed any other offence and now the petitioner is in the third year of graduation. He further states that the petitioner has undergone judicial custody for a period

of 20 days and is repentant for his conduct. The petitioner, who is present in Court, volunteers to compensate the respondents No.2 & 3 by paying them a sum of Rs.25,000/- each, and further, agrees to abide by any other term that may be imposed on him.

4. Learned APP for the State submits that having regard to the conduct of the petitioner, it is an appropriate case where heavy costs ought to be imposed on the petitioner for his conduct so that such an act is not repeated in future and the same is a deterrent and further that the petitioner should be made to do some social service at least for a period of one year so as to reform himself.

5. The complainant who is present in the court, has no objection to the petition being allowed as he states that the petitioner has expressed remorse and has approached him with the request not to ruin his career by insisting upon prosecuting the FIR. The respondents No.2 and 3 also accept the compensation offered by the petitioner.

6. Road rage appears to be the norm of the day in the city of Delhi. Not only do a number of drivers show scant regard for the pedestrians, but they indulge in traffic violations with impunity. This is yet another example of complete lack of discipline on the road shown by the petitioner which is compounded by his attempt to ram his vehicle in sudden anger into to the complainants. However, contrition has been expressed by the petitioner, and the complainants, looking at his young age, do not wish any further action to be taken on the FIR. Further, the petitioner has offered to pay costs and agreed to render social service to show that he is genuinely repentant. In view of the aforesaid facts and circumstances, the present petition is allowed. FIR No.275/2006 and all the proceedings arising

therefrom, stand quashed, subject to the following conditions:

(i) The amount of Rs.25,000/- volunteered to be paid by the petitioner to each of the respondents No.2 and 3, shall be paid within two weeks from today. Copy of proof of payment shall be furnished to the learned APP for the State within the same period.

(ii) The petitioner shall deposit a sum of Rs.50,000/- as costs with the DCP, Traffic, Police Hqrs., within two weeks. The said amount shall be utilized by the Department for the purpose of the upkeep and maintenance of the Traffic Training Parks in the city. Copy of proof of deposit of the aforesaid costs and proof of utilization of the funds by the Department shall be furnished to the learned APP for the State within the same period.

(iii) Additionally, costs of Rs.1,00,000/- shall be paid by the petitioner, which shall be deposited in the following manner:

(a) Rs.25,000/- in favour of the Registrar General of this Court, to be deposited in the Juvenile Justice Fund.

(b) Rs.25,000/- as costs in favour of the Delhi High Court Legal Services Committee.

(c) Rs.25,000/- as costs to be deposited in favour of the Delhi Police Welfare Committee.

(d) Rs.25,000/- as costs in favour of the Delhi High Court Library Fund.

The aforesaid costs shall be paid by the petitioner within four weeks, while furnishing proof of payment to the learned APP for the State within the same period.

(iv) Lastly, the petitioner shall render social service in an NGO, 'Prayas' situated in Jahangir Puri, Delhi for a period one year, by visiting the

Centre, for a period of one hour, once a week and a report shall be submitted by the said NGO on a bi-monthly basis, to the SHO of the area, confirming the fact that the petitioner has been duly complying with the order. If the SHO of the area finds from the report of the NGO that the petitioner is absenting himself and/or not doing meaningful work, he shall bring the same to the notice of the APP, who may approach the Court for recalling the order passed today.

7. With the aforesaid directions, the petition is disposed of.

HIMA KOHLI,J

AUGUST 18, 2010
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