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

+ W.P.(CRL.) 1604/2012

BHAWANI & ANR.

..... Petitioners

Through: Ms.Madhu Mukul Tripathi and Mr.Ravi Shankar Sharma, Advocates with petitioner No.1 and Mr.Mohan Yadav, brother-in-law of father of petitioner No.1 and POA holder.

versus

STATE & ANR

..... Respondents

Through: Ms.Nidhi Sharma, Advocate, proxy for Ms.Rajdipa Behura, APP for State/R-1. Mr.Rishabh Relan, Advocate for R-2 with R-2/complainant in person.

CORAM:**HON'BLE MS. JUSTICE PRATIBHA RANI****ORDER**

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09.11.2012

1. By this writ petition filed under Article 226 of the Constitution of India read with Section 482 Cr.P.C., the petitioners seek quashing of FIR bearing No.115/2011, under Sections 279/337 IPC P.S. GTB Enclave, Delhi and all the proceedings arising therefrom.
2. Brief facts leading to filing of this petition are that the petitioner No.1 is a student of MBBS 3rd year. On 26.11.2011, the petitioner No.1 was coming from Nand Nagri Chowk towards the GTB Chowk by car at a speed of 30-40 Km per hour. It was evening time and weather was cloudy with

dusty wind blowing and heavy traffic on the road. He saw a cart moving on the wrong side being pushed by a boy (petitioner No.2 herein) and all of a sudden turned and came in the path of his car. The petitioner No.1 applied brakes immediately but before the car could come to a halt, it hit the cart from its left side due to which the boy fell on the ground. The petitioner No.1 lifted him up in his hands and started carrying him to car so that he could get him immediate medical attention where he was studying as an under graduate. However, before the petitioner No.1 could do so, the PCR arrived at the spot and took both the petitioner No.1 and the boy to the emergency where the petitioner No.2 was given medical treatment.

3. Thereafter, FIR bearing No.115/2011 under Sections 279/338 IPC was registered against the petitioner No.1 at P.S. GTB Enclave, Delhi.

4. During the pendency of the proceedings, on 03.08.2012, the parties have arrived at an amicable settlement between them. In terms of the said settlement, the petitioner No.1 has paid a sum of Rs.60,000/- to the petitioner No.2 towards cost of treatment of petitioner No.2.

5. Learned counsel for the petitioners submits that the petitioners have amicably resolved their dispute and in terms of the settlement, the petitioner No.1 has already paid the amount of Rs.60,000/- towards cost of treatment to petitioner No.2 and petitioner No.2 is not left with any claim or grievance of any nature against the petitioner No.1. Counsel states that since the parties have settled their disputes amicably, no useful purpose would be served by continuance of criminal proceedings against the petitioner No.1. Counsel thus prays for quashing of the FIR and all subsequent proceedings arising out of said FIR qua the petitioner No.1.

6. Petitioner No.2, who is minor and is injured in this case is present in

Court today along with his brother-in-law. It is submitted that since the injured is a minor, his father has appointed his brother-in-law as attorney to represent and appear alongwith the injured. The attorney also confirms the factum of amicable settlement with petitioner No.1 and that injured has received a sum of Rs.60,000/- from petitioner No.1 towards cost of treatment.

7. In view of the aforesaid amicable settlement arrived at between the parties, I am of the considered view that no useful purpose would be served by continuing the criminal proceedings against the petitioners which will only be a futile exercise and wastage of precious time of the Court.

8. Accordingly, the petition is allowed and FIR bearing No.115/2011, under Sections 279/337 IPC P.S. GTB Enclave, Delhi and all the proceedings arising therefrom are hereby quashed, leaving the parties to bear their own costs.

9. Order *dasti*.


PRATIBHA RANI, J

NOVEMBER 09, 2012

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