

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

Date of Decision: January 13, 2015

+ **CRL.M.C. 3264/2014**

KRISHAN KUMAR & ANR Petitioners

Through: Mr. Ajay Garg and Mr. Ganesh
Tiwari, Advocates for petitioner
No.1
Mr. Sanjay Kumar Dubey, Mr.
Jitendra Kumar Tripathi and Ms.
Shuchi Singh, Advocates for
petitioner No.2

versus

STATE Respondent

Through: Mr.Praveen Bhati, Additional
Public Prosecutor for respondent-
State with SI Vishal

CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR

% **JUDGMENT**
(ORAL)

FIR No.234/2010, under Sections 279/304-A of *IPC* registered at police station Bharat Nagar, Delhi pertains to a vehicular accident which took place on 5th September, 2010 in front of a park near the wall of A-114, Ashok Vihar and the said accident was purportedly witnessed by one *Satish Kumar*.

In this joint petition, quashing of aforesaid FIR is sought on the ground that the wife of the deceased, who is petitioner No.2 herein, has been duly compensated.

At the hearing of this joint petition, learned counsel for petitioners has placed on record certified copy of the evidence of purported aforesaid eye-witness-*Satish Kumar* to submit that petitioner No.1 was not involved in the accident in question.

Upon notice, learned Additional Public Prosecutor for respondent-State submits that petitioner No.2, present in the Court, is the wife of the deceased and she has been identified to be so by her counsel as well as by SI Vishal on the basis of identity proof produced by her. Learned Additional Public Prosecutor for respondent-State further submits that the evidence of material witness i.e. aforesaid *Satish Kumar (PW-2)* does not incriminate petitioner No.1.

Petitioner No.2, present in the Court, submits that she has been duly compensated to the tune of ₹4 lac (*₹3.20 lac by way of two demand drafts and ₹80,000/- in cash*) in terms of the Compromise/Settlement of 7th July, 2014 (*Annexure P-2*) arrived at between the parties and that the misunderstanding, which led to the incident in question, now stands cleared between the parties. Petitioner No.2 affirms the contents of aforesaid *Compromise/Settlement* and submits that now no dispute with petitioner No.1 survives and the proceedings arising out of the FIR in question be brought to an end.

In '*Gian Singh Vs. State of Punjab*' (2012) 10 SCC 303 Apex Court has recognized the need of amicable resolution of disputes in cases like the instant one, by observing as under:-

“61. In other words, the High Court must consider whether it would be unfair or contrary to the interest of justice to continue with the criminal proceedings or continuation of criminal proceedings would tantamount to abuse of process of

law despite settlement and compromise between the victim and the wrongdoer and whether to secure the ends of justice, it is appropriate that criminal case is put to an end and if the answer to the above question(s) is in the affirmative, the High Court shall be well within its jurisdiction to quash the criminal proceedings.”

In the facts and circumstances of this case and in view of aforesaid *Compromise/Settlement* and in view of the fact that petitioner No.2, who is the wife of deceased, has been duly compensated and that the deposition of material witness does not incriminate petitioner No.1, I find that continuance of proceedings arising out of the FIR in question would be an exercise in futility as the misunderstanding, which led to registration of the FIR, now stands cleared between the parties.

Accordingly, this petition is allowed and FIR No.234/2010, under Sections 279/304-A of *IPC* registered at police station Bharat Nagar, Delhi and the proceedings emanating therefrom are quashed *qua* petitioners.

This petition is accordingly disposed of.

(SUNIL GAUR)
JUDGE

JANUARY 13, 2015

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