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* IN THE HIGH COURT OF DELHI AT NEW DELHI
+ CRL.M.C. 2047/2016
BHASWATI BANERJEE

Through Mr Vivek R. Mohanty, Adv. alongwith
petitioner in person

..... Petitioner

versus

GNCT OF DELHI

Through Mr Panna Lal Sharma, Additional Public
Prosecutor for the State alongwith Investigating
Officer
R2 in person

..... Respondent

CORAM:
HON'BLE MS. JUSTICE SUNITA GUPTA

ORDER

% 25.05.2016

Crl. MA 8672/2016 (exemption)

Exemption allowed subject to all just exceptions.

The application stands disposed of.

Crl. MC 2047/2016 & Crl. MA 8671/2016 (stay)

This is a petition u/s 482 Cr.P.C. moved by the petitioner for quashing of the impugned order dated 18.03.2014 passed by learned Metropolitan Magistrate, Patiala House Courts, New Delhi in a case under Ss. 279/338 of IPC read with Ss. 146 and 196 of Motor Vehicle Act bearing FIR No.457/2013 registered at Police Station Vasant Kunj, New Delhi under Ss.324/34 IPC and consequent proceedings emanating therefrom on the ground that the parties have compromised the matter.

It is submitted by counsel for the petitioner that the petitioner and the respondent no.2 met an accident near the gate of JNU Institute of Mass Communication. The respondent no.2 lodged the instant FIR and also filed accident claim no.77/14 before the MACT and the criminal case in the present FIR. Vide order dated 18.03.2014 passed by learned Metropolitan Magistrate whereby the petitioner was summoned to face trial. On 04.08.2015, learned MACT recorded an amicable settlement between the parties for a sum of Rs.2.25 lacs. It is also recorded in the order that the petitioner has paid a sum of Rs. 1 lac to the respondent. Pursuant to the settlement, the petitioner has already paid the balance amount of Rs.1,25,000/- to the respondent no.2 on 11.09.2015 and learned MACT passed the final order by drawing the compliance report of full and final settlement in Accident Claim No.77/14. It is, therefore, prayed that since the parties have settled the matter amicably, the case under Ss. 279/338 of IPC read with Ss. 146 and 196 of

Motor Vehicle Act bearing FIR No.457/2013 registered at Police Station Vasant Kunj, New Delhi be settled and consequent proceedings emanating therefrom be quashed.

The respondent No.2/complainant, who is present in person (duly identified by the Investigating Officer of the case) submits that he has amicably resolved all disputes with the petitioners and has received a total settlement amount of Rs.2.25 lacs as such he does not want any action against the petitioner and has no objection to quashing of the FIR No.457/2013 registered at Police Station Vasant Kunj, New Delhi.

Mr Panna Lal Sharma, Additional Public Prosecutor for the State submits that in view of the settlement arrived at between the parties, he has no objection to quashing of FIR.

Keeping in view the facts that the parties have compromised the matter with each other amicably, this matter deserves to be given a quietus as continuance of proceedings arising out of the FIR in question would be an exercise in futility and wastage of precious time of the Court.

Accordingly, the petition is allowed and impugned order dated 18.03.2014 passed by learned Metropolitan Magistrate, Patiala House Courts, New Delhi in a case under Ss. 279/338 of IPC read with Ss. 146 and 196 of Motor Vehicle Act bearing FIR No.457/2013 registered at Police Station Vasant Kunj, New Delhi and consequent proceedings emanating therefrom are hereby quashed.

The petition stands disposed of accordingly.

Pending application also stands disposed of.

A copy of this order be given *dasti* to counsel for the petitioner.

SUNITA GUPTA, J

MAY 25, 2016/*rd*