

#16

IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of decision: 24.05.2016

W.P.(CRL) 1640/2016

TARUN KUMAR NAYAK

..... Petitioner

Through : Ms. Jyoti Gupta, Adv.

versus

STATE & ANR

..... Respondents

Through : Ms. Richa Kapoor, ASC (Crl.) with
Ms. Mallika Parmar, Adv. with SI
Surendra Singh PS Fatehpur Beri in
person.

**CORAM:
HON'BLE MR JUSTICE SIDDHARTH MRIDUL**

SIDDHARTH MRIDUL, J (ORAL)

1. The present is a petition under Article 226 of the Constitution of India read with section 482 of the Code of Criminal Procedure seeking quashing of FIR No.839/2015 under section 279 IPC registered at police station Fatehpur Beri, Delhi and the proceedings arising therefrom.

2. The said FIR came to be registered in the aftermath of a collision between two motor vehicles driven by the petitioner and the complainant/respondent no.2 respectively.
3. It is an admitted position that subsequent to the registration of the FIR, Mr. Nitin Trehan, the complainant/respondent no.2 as well as the Mr. Tarun Kumar Nayak, the petitioner, have amicably resolved the dispute relating to the damages caused to the vehicle of the former as a consequence of the aforementioned collision. Mr. Nayak, the petitioner, has handed over a Demand Draft in the sum of Rs.50,000/- in favour of Mr. Trehan, the complainant, in Court today. Mr. Trehan has received the aforesaid Demand Draft, towards the reimbursement of the damages caused to his vehicle.
4. In the present case, it is observed that the offences in the subject FIR do not fall within the exempted categories of serious/heinous offences which ought not to be quashed on the ground of an amicable resolution of the disputes. [Ref. ***Gian Singh vs. State of Punjab and Anr.*** reported as (2012) 10 SCC 303]. The offences alleged to have been committed in the subject FIR are private in nature and do not have a serious impact on society.

5. In view of the foregoing, since the dispute which resulted in the registration of the subject FIR which was a result of an accident between the vehicles of the parties, has already been resolved amicably by and between the parties without any undue influence, pressure or coercion, no useful purpose will be served by proceeding with the subject FIR and the proceedings arising therefrom.
6. Consequently, the FIR No.839/2015 under section 279 IPC registered at police station Fatehpur Beri, Delhi and the proceedings arising therefrom, are set aside qua Mr. Tarun Kumar Nayak, the petitioner herein.
7. Petition is allowed and disposed of accordingly.

SIDDHARTH MRIDUL, J.

MAY 24, 2016/dk