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

+ CRL.M.C. 4127/2016 & CRL.M.A.17335/2016

BHEEMESH BHATIA @ VIMESH KUMAR Petitioner
Through: Mr.C.M.Grover, Adv.

versus

STATE & ANR. Respondents
Through: Mr.Kewal Singh Ahuja, APP for State
SI Shri Gopal, PS-Shakarpur

CORAM:
HON'BLE MR. JUSTICE I.S.MEHTA

ORDER
% **08.02.2017**

This is a petition under Section 482 Cr.P.C. for quashing of FIR No.358/2007, under Sections 279/337 IPC, registered at Police Station-Shakarpur, Delhi and all the proceedings emanating therefrom.

Counsel for the petitioner has submitted that the petitioner was driving vehicle bearing registration No. DL 7SW 6279 on 05.05.2007. He has further submitted that the accident had occurred near Shakarpur at about 07:50 p.m. as the petitioner collided against the respondent No.2 who was walking on road. He has further submitted that the petitioner was driving the vehicle very cautiously and in a normal speed but the said accident was as a result of human error. He has further submitted that after the registration of FIR the matter has been settled between the parties in Karkardooma Court vide order dated 2nd September, 2016. He has further submitted that as per the terms of settlement, the petitioner has already deposited a sum of

Rs.1,65,000/- by way of FDR No. 005615 dated 29.09.2016 drawn on Axis Bank for a sum of Rs.1,00,000/- & FDR No.005616 dated 29.09.2016 drawn on Axis Bank for a sum of Rs.65,000/-; in MACT, Karkardooma Court, Delhi; to be released in favour of respondent No.2/injured, Mr.Raju. Learned counsel for the petitioner further submits that all disputes have been amicably settled between the parties and nothing remains to be adjudicated upon further and submits that the FIR in question is coming as hurdle in the way of the present petitioner. He further submits that since all disputes have been settled between the parties, the FIR in question and all proceedings arising therefrom may be quashed.

The respondent Nos.2/injured, Mr.Raju is present in Court today and has been identified by the Investigating Officer, SI Shri Gopal, P.S. Shakarpur, Delhi. The respondent No.2 /injured also admits that the matter has been amicably settled with the petitioner. He further submits that the settlement amount which is deposited in MACT, Karkardooma Court, Delhi by way of FDR No. 005615 dated 29.09.2016 drawn on Axis Bank for a sum of Rs.1,00,000/- & FDR No.005616 dated 29.09.2016 drawn on Axis Bank for a sum of Rs.65,000/-; be released in his favour. He further submits that the settlement/compromise has taken place voluntarily, without any force, pressure or coercion. He further submits that he has no objection if the FIR in question is quashed.

Looking into the above facts and circumstances, since the matter has been amicably settled between the parties and nothing remains to be adjudicated further, to meet the ends of justice, I deem it appropriate to quash the FIR No.358/2007, under Sections 279/337 IPC, registered at Police Station-Shakarpur, Delhi, and all proceedings emanating therefrom.

Trial Court to release the aforesaid FDRs with accrued interest in favour of respondent No.2/injured, Mr.Raju; on moving appropriate application.

The present petition is disposed of accordingly. All pending application(s) (if any) also stand disposed of.

Copy of the order be given *dasti* as prayed.

I.S.MEHTA, J

FEBRUARY 08, 2017/radhika