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

+ **W.P.(CRL) 3174/2017**

SANDEEP SETHI

..... Petitioner

Through: Mr.Nischal Anand, Advocate with
petitioner in person.

versus

THE STATE GOVT OF NCT OF DELHI & ORS Respondents

Through: Ms.Kamna Vohra, ASC for the
State/R-1 with HC Jitender Kumar,
PS Kashmere Gate.
Respondents No.2 and 3 in person.

CORAM:

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

% **16.11.2017**

CrI.M.A.No.18782/2017

1. Exemption allowed subject to all just exceptions.
2. Application is disposed of.

CrI.M.A. No.18783/2017

1. This is an application moved on behalf of the petitioner seeking exemption from filing the identity proof of respondent No.3.
2. Respondent No.3 Karan is present in person today who is identified by the IO.
3. The Application is allowed.

W.P.(CRL) 3174/2017

1. The present writ petition has been filed by the petitioner praying for quashing of FIR No.424/2017 under Sections 279/337 IPC, PS Kashmere Gate, Delhi as well as consequential proceedings emanating therefrom.

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2. Case FIR No.424/2017 under Section 279/337 IPC was registered at PS Kashmere Gate on the basis of complaint made by respondent No.3/complainant to the effect that on 22nd October, 2017 at about 2.00 pm he alongwith his father Sh.Raj Kumar (respondent No.2 herein) was going on his Scooter No.DL-7S-AJ-8124 from Mori Gate towards Jamuna Bazar. When they reached at the U-turn, near Nigam Bodh Ghat, due to heavy traffic he stopped his scooter on the side of the road. At that time, a red colour Car (Brezza) bearing registration No.HR-29-AM-4853 hit his scooter from behind due to which his father fell on the road and received injuries. He also sustained injuries due to the impact. Thereafter the person who was driving the car i.e. petitioner herein, came out from his car and took them to Aruna Asaf Ali Hospital. He reported the matter to the police and a case under Section 279/337 IPC was registered against the petitioner.

3. It is stated in the petition that during the pendency of the proceedings, the parties arrived at an amicable settlement vide settlement agreement dated 1st November, 2017.

4. Learned counsel for the petitioner submits that in terms of the settlement, the petitioner has paid a sum of ₹75,000/- (₹19,000/- already paid and ₹56,000/- has been paid today by way of pay order) to the injured/respondents No.2 and 3 towards the cost of treatment for the injuries suffered in the accident.

5. Respondent No.2 and 3 are present in person and they have settled the matter with the petitioner and in terms of settlement, they have received ₹75,000/- from the petitioner. They further submit that they have no objection if the FIR in question is quashed.

6. Learned counsel for the petitioner submits that since the parties have settled their dispute amicably, no purpose would be served in prosecuting the petitioner, therefore the FIR in question and criminal proceedings emanating therefrom may be quashed.

7. In view of the legal position laid down in the decision reported as Gian Singh v State of Punjab & Anr. 2012 (9) SCALE 257 and the 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 petitioner, which will only be an exercise in futile and wastage of precious time of the Court.

8. Accordingly, the petition is allowed and FIR No.424/2017 under Sections 279/337 IPC, PS Kashmere Gate, Delhi and consequential proceedings arising therefrom are hereby quashed. The Parties shall be bound by the terms and conditions of settlement.

Order dasti.

PRATIBHA RANI, J.

NOVEMBER 16, 2017

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