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

+ **CRL.M.C. 2387/2018**

BHUSHAN KUMAR @ BHARAT BHUSHAN Petitioner
Through: Mr.Naveen Kr. Bansal, Adv. with
petitioner in person.

versus

STATE (GOVT OF NCT OF DELHI) & ORS Respondents
Through: Mr.Amit Chadha, APP for the State
with ASI Kiran Pal, PS Ashok Vihar.
Mr.Pawan Kumar, Adv. for R-2 to 5
with R-2, 4 & 5 in person.

CORAM:
HON'BLE MS. JUSTICE REKHA PALLI

ORDER
% **20.11.2018**

1. Vide the present petition under Section 482 Cr.P.C., the petitioner seeks quashing of FIR No.0720/2014 under Sections 279/304A of the IPC registered at Police Ashok Vihar, Delhi and all proceedings emanating therefrom, on the basis of a Memorandum of Understanding executed between the parties on 02.02.2018.

2. Learned counsel for the petitioner submits that the petitioner runs a small factory producing plastic moulding. He submits that on that fateful day, i.e. 23.11.2014, while the petitioner was driving his personal car bearing No. DL 8CR 4959, one minor child namely, Master Mani aged about 4 years, suddenly came in front of his car from across the road. The child got injured in the accident with the

petitioner's car and even though he was taken to hospital, he succumbed to his injuries. Resultantly, based on a complaint made by the respondent no.2 who is the brother of Master Mani, the aforesaid FIR was registered.

3. Learned counsel for the petitioner submits that during the pendency of the criminal proceedings before the learned Metropolitan Magistrate, the parties decided to settle their disputes before the Lok Adalat, North West, Rohini Courts, Delhi by entering into a Memorandum of Understanding on 02.02.2018 and accordingly a compensation of Rs.3,55,000/- has been paid by the National Insurance Company to respondent nos.4 and 5 i.e. the father and the mother of the deceased Master Mani. He further submits that as per the aforesaid Memorandum of Understanding a further sum of Rs.1.50 lakhs has been paid by the petitioner to the respondent nos.4 and 5 who are the only legal heirs of Master Mani. He also submits that keeping in view the financial condition of the respondent nos.4 & 5, the petitioner is willing to pay further costs as may be directed by this Court. He, therefore, prays that the captioned FIR and consequential proceedings be quashed.

3. The petitioner and the respondent no.2, 4 and 5 are present in Court and have been identified by the Investigating Officer. Respondent no.3 is only an eye-witness and his presence is, therefore, not necessary. The respondents are represented by a counsel. I have interacted with the respondent no.2, 4 and 5 who state that the deceased was a young child who may have crossed the road in a hurry and the accident was an unfortunate mishap and not due to any

intentional lapse on the petitioner's part, they therefore do not wish the aforesaid criminal proceedings to continue and pray that the captioned FIR and consequential proceedings be quashed.

4. I have considered the submissions of the learned counsel for the parties and perused the record. Keeping in view the fact that the parties have resolved their disputes and the respondents have already received the agreed compensation from the petitioner as also the fact that the allegations against the petitioner basically relate to an unfortunate incident involving two private persons, continuation of criminal proceedings, which the parties themselves want to bring to an end, will be an exercise in futility. The ends of justice demand that the FIR and consequential proceedings be quashed.

5. For the aforesaid reasons, the petition is allowed and the captioned FIR and all consequential proceedings emanating therefrom are quashed, subject to the petitioner paying a further sum of Rs.1,50,000/- to Ms.Bandana/respondent no.5 within one week. A copy of receipt of payment of Rs.1.5 lakhs to respondent no.5 will be handed over to the IO for production before the Trial Court.

6. The petition is disposed of in the above terms.

REKHA PALLI, J

NOVEMBER 20, 2018

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