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

+ **W.P.(CRL) 2374/2018**

KAJAL MALHOTRA

..... Petitioner

Represented by: Mr. Avneesh Saran and Mr.
Piyush Arora, Advocates.

versus

STATE GOVT OF NCT OF DELHI & ANR Respondent

Represented by: Mr. Sanjay Lao, ASC with
Hemlata Rawat, Advocate with
SI Makhan Singh, PS Sarita
Vihar.
Mr. Sanjay Kumar, Advocate
for R-2.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

10.08.2018

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By the present petition the petitioner seeks quashing of FIR No. 42/2016 under Sections 279/337 IPC registered at PS Sarita Vihar, Delhi on the complaint of Respondent No.2 and the proceedings pursuant thereto on the ground that the parties have settled the matter.

Learned Additional Standing Counsel for the State on instructions submits that the above noted FIR was registered when the car of the petitioner collided with the TSR auto rickshaw run by the respondent No. 2 causing injuries to the respondent No. 2. It is stated that the injuries to respondent No. 2 were simple in nature. He further states that in the above

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noted FIR the petitioner is the only accused and the respondent No.2 is the only complainant/ victim.

Respondent No. 2 who is present in Court and is identified by the learned counsel and Investigating Officer states that he has settled the matter with the petitioner before the Mediation Centre, Saket Courts and the petitioner has agreed to pay him a sum of ₹ 15,000/- towards repair of the TSR besides the compensation of ₹10,000/- already received by him pursuant to the order of MACT. He states that he has received the entire amount and does not want to pursue the abovementioned FIR and the proceedings pursuant thereto.

Petitioner No. 1 who is present in Court and is identified by the learned counsel affirms the statement of respondent No.2 and undertakes to abide by the terms of settlement.

In view of the fact that the parties have amicably resolved their differences of their own free will, volition and without any coercion and no useful purpose will be served in continuance of the proceedings, it would be in the interest of justice to quash the abovementioned FIR and the proceedings pursuant thereto. There is no legal impediment in quashing the FIR in question qua offences under Sections 279/337 IPC.

Consequently, the FIR No. 42/2016 under Sections 279/337 IPC and the proceedings pursuant thereto are quashed, however, qua the offences punishable under Sections 115/192 (2) MV Act, the proceedings will continue against the petitioner as the respondent No. 2 is not competent to settle the said offences.

Parties have signed this order sheet in acknowledgment of their statements made before this Court.

Petition is disposed of. Order dasti.

MUKTA GUPTA, J.

AUGUST 10, 2018
‘yo’