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

+ **CRL.M.C. 6482/2018 & CRL.M.As. 50143-45/2018**

VIKARAMADITYA RATHORE Petitioner

Through: Mr. S.K. Pandey and Mr.
Anshul Rai, Advs.

versus

STATE & ANR Respondents

Through: Mr.Panna Lal Sharma, APP
with PSI Dushyant, Defence
Colony, Delhi

CORAM:

HON'BLE MR. JUSTICE CHANDER SHEKHAR

ORDER

% **19.12.2018**

CRL.M.A. 50144/2018 (for exemption)

Allowed, subject to all just exceptions. Application stands disposed of.

CRL.M.A. 50145/2018 (for condonation of delay)

Learned APP has no objection in case delay in re-filing of the petition is condoned. Accordingly, the delay in re-filing is condoned. Application stands disposed of.

CRL.M.C. 6482/2018 & CRL.M.As. 50143/2018 (for stay)

1. The petitioner has filed the present petition under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.145/2017 dated 2.8.2017 under Sections 279/337 of the Indian Penal Code, 1860 (IPC), registered with Police Station Defence

Colony, New Delhi and the proceedings emanating therefrom.

2. The petitioner and the respondent No.2 as well as the learned counsel for the petitioner submitted that the matter stands settled between the parties vide settlement dated 24.4.2018 on their own free will, without any force and coercion.

3. Learned counsel for the petitioner further submitted that the petitioner is having no other criminal case pending against him.

4. Respondent No.2 reiterated the aforesaid facts and stated that the settlement arrived at between the parties on their own free will, without force and coercion and the present petition may be allowed and the FIR may be quashed.

5. The Investigating Officer ('IO'), who is present in Court, has identified the petitioners as well as respondent No.2 and has also verified the settlement arrived at between the parties.

6. Learned counsel for the petitioner submitted that in view of the aforesaid facts and the fact that accident was neither deliberate nor was planned and otherwise the petitioner feels guilty about the same and he wants to live a peaceful life, the Court may take a lenient view and allow the present petition.

7. In view of the aforesaid circumstances, the settlement arrived at between the parties, this Court is of the view that no fruitful purpose would be served in keeping the parties entangled in the criminal proceedings. Accordingly, in the interest of justice, FIR No.145/2017 dated 2.8.2017 under Sections 279/337 of the IPC, registered with

Police Station Defence Colony, New Delhi and all the consequential proceedings arising out of the FIR are quashed, subject to the condition that the petitioner shall deposit, within ten days, a sum of Rs.5,000/- with the Advocates' Welfare Fund, Bar Council of Delhi bearing A/c No.010104000269810, UCO Bank, Delhi High Court Branch and a receipt of the said deposit be filed in the Registry within 2 weeks and a copy of the said receipt shall also be handed over to the APP through the I.O. within 2 weeks. In case the petitioner fails to deposit the aforesaid amount, the prosecution shall be entitled to move an application for passing appropriate orders.

8. Petition is disposed of in above terms.

CHANDER SHEKHAR, J

DECEMBER 19, 2018/rk