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

+ CRL.M.C. 5802/2018 & CrI.M.A. No.47565/2018 (for exemption)

KESHAV PRASAD SINGH & ANR. Petitioners

Through: Mr.Nitesh Mehra, Adv. with
petitioners in person.

versus

STATE & ANR. Respondents

Through: Mr.Raghuvinder Verma, APP for the
State with ASI Mohan Lal, PS Bharat
Nagar
Mr.Rishabh Sharma, Adv. for R-2
with R-2 in person.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

% **19.11.2018**

1. Vide the present petition under Section 482 Cr.P.C., the petitioners seek quashing of FIR No.0410/2018 under Sections 279/337 of the IPC registered at Police Station Bharat Nagar, Delhi and all proceedings emanating therefrom, on the basis of a settlement arrived at between the parties on 16.11.2018.

2. Learned counsel for the petitioners submits that the petitioner no.1 is the owner of a car bearing no.DL-3C-CA-4474 and is suffering from various ailments. Since his driver was on leave on 13.10.2018, the petitioner no.1 had used the services of petitioner no.2 for taking him to the hospital on that day. However, when the

petitioners were leaving the hospital, a fateful accident happened just outside the hospital in which the minor daughter of the respondent no.2 was injured, pursuant where to the respondent no.2 filed a complaint against the petitioners leading to the registration of the aforesaid FIR.

3. Learned counsel for the petitioners further submits that the parties have already settled the matter and have entered into a settlement on 16.11.2018, whereunder the petitioners have undertaken to provide for the due care and medical treatment of the daughter of the respondent no.2, if required any further. Pursuant thereto, the entire agreed amount of Rs.35,000/- has already been paid to the respondent no.2 and the petitioners are further willing to pay additional costs as may be directed by this Court to take care of the needs of the minor girl, namely, Ms.Hemlata. He submits that the petitioners as also the respondent no.2 do not want the criminal proceedings to continue any further and, therefore, prays that the captioned FIR and consequential proceedings be quashed.

3. The petitioners and the respondent no.2 are present in Court and have been identified by the Investigating Officer. I have interacted with the respondent no.2 who states that his daughter has not suffered any grievous injuries and even otherwise, the petitioners are taking care of all her medical needs. He further states that as his daughter was crossing the road alone, it is perhaps their fault to some extent. He also submits that he has entered into a settlement with the petitioners of his own free will and, therefore, prays 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 present FIR is the result of a minor accident as also the admitted position that the nature of the injuries sustained by the daughter of respondent no.2 are not stated to be grievous, I find that the continuation of criminal proceedings 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 are quashed, subject to the petitioners depositing a further sum of Rs. 30,000/- by way of an FDR in the name of the minor child, Ms.Hemlata through her guardian Shri Surender, which will be withdrawn only when the minor will attain the age of majority. The original FDR will be handed over to the Investigating Officer for onward transmission to the respondent no.2 and a copy thereof be retained by the Investigating Officer for production before the Trial Court.

6. The petition along with the pending application is disposed of in the above terms.

REKHA PALLI, J

NOVEMBER 19, 2018

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