

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
Date of Order: May 15, 2019

+ **CRL.M.C. 2614/2019 & Crl.M.A. 10462/2019**

ASHIT ROY Petitioner

Through: Mr. Santosh Kumar Mishra,
Mr. Satender Kumar Mishra &
Mr. B.N.Mishra, Advocates.

Versus

STATE & ORS. Respondents

Through: Mr. M.S.Oberoi, Additional Public
Prosecutor for respondent No.1-
State with SI Naresh Kumar.
Respondent No.2 in person.

CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
(ORAL)

Quashing of FIR No. 153/2015 under Sections 279/337/338 IPC, registered at Police Station Connaught Place, New Delhi is sought on the basis of mediated settlement of 14th February, 2019 and on the ground that the accident in question took place due to sheer error of judgment and that there was no negligence on the part of petitioner.

Upon notice, learned Additional Public Prosecutor for respondent No.1-State submits that respondents No.2 & 3, present in the Court, are the complainants/injured of FIR in question and they have been identified to be so, by SI Naresh Kumar on the basis of identity proof produced by them.

Respondents No.2 & 3, present in the Court, submit that aforesaid mediated settlement of 14th February, 2019 and terms thereof have been fully acted upon as they have been duly compensated and that accident in question had not taken place due to negligence of petitioner. Respondents No.2 & 3 affirms the contents their affidavits of 9th May, 2019 supporting this petition and submit that the proceedings arising out of the FIR in question be brought to an end.

Supreme Court in *Parbatbhai Aahir @ Parbatbhai Bhimsinhbhai Vs. State of Gujarat* (2017) 9 SCC 641 has reiterated the parameters for exercising inherent jurisdiction under Section 482 Cr.P.C. for quashing of FIR/criminal proceedings, which are as under:-

“16.7. As distinguished from serious offences, there may be criminal cases which have an overwhelming or predominant element of a civil dispute. They stand on a distinct footing insofar as the exercise of the inherent power to quash is concerned.

16.8. Criminal cases involving offences which arise from commercial, financial, mercantile, partnership or similar transactions with an essentially civil flavour may in appropriate situations fall for quashing where parties have settled the dispute.

16.9. In such a case, the High Court may quash the criminal proceeding if in view of the compromise between the disputants, the possibility of a conviction is remote and the continuation of a criminal proceeding would cause oppression and prejudice”.

Considering the facts and circumstances of this case and the fact that the accident in question had taken place due to sheer error of judgment and in view of mediated settlement of 14th February 2019, I find that continuance of proceedings arising out of the FIR in question would be an exercise in futility.

Accordingly, this petition is allowed, subject to costs of ₹10,000/- to be deposited by petitioner with *Prime Minister's National Relief Fund* within a week from today. Upon placing on record the proof of deposit of costs within a week thereafter and handing over its copy to the Investigating Officer, FIR No. 153/2015 under Sections 279/337/338 IPC, registered at police station Connaught Place, New Delhi and the proceedings emanating therefrom shall stand quashed qua petitioner.

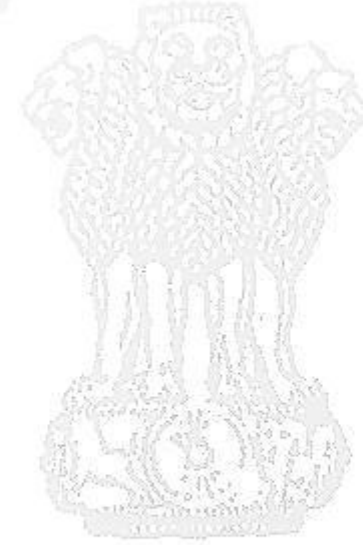
This petition and application are accordingly disposed of.

Dasti.

MAY 15, 2019

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**(SUNIL GAUR)
JUDGE**



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