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

Date of decision: 27.11.2019

+ CRL.M.C. 6047/2019

RAJESH AGGARWAL

..... Petitioner

Through Mr. Ruchir Batra, Adv. with
petitioner in person

versus

THE STATE & ANR

..... Respondents

Through Mr. Panna Lal Sharma, APP for State
SI Vijay Pal, PS North Avenue
Mr. Suraj Prakash, Adv. for R-2 with
R-2 in person

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

J U D G M E N T (O R A L)

CRL. M.A. 41255/2019

1. Allowed, subject to all just exceptions.
2. Application is disposed of.

CRL.M.C.6047/2019

3. Vide the present petition, the petitioner seeks direction thereby to quash the FIR No. 19/2017 under Sections 279/304A IPC registered at P.S. North Avenue and proceedings consequent thereto.

4. Notice issued.
5. Notice is accepted by learned APP for the State and counsel for the respondent no.2.
6. With the consent of the counsel for the parties, the present petition is taken up for final disposal.
7. The brief facts of the case are that on 26-02-2017 at about 7.45AM Shri Rahul met with a road accident while driving Motorcycle No.DL-6SN-2313 and was taken to the hospital, where during the course of treatment, he died on 27-02-2017 at 6.40PM.
8. The present petition has been filed on the ground that Smt. Kamlesh, mother of the deceased, has agreed to compromise / compound / settle all her claims, rights and demands against the petitioner on account of death of her unmarried son, aged 18 years, in the road accident and has consented for quashing of aforementioned FIR and proceedings consequent thereto on receiving a sum of Rs.2,00,000/-as compensation from the petitioner.
9. Respondent no.2 is personally present in the Court along with her son Yogesh and daughter Priya and has been identified by SI Vijay Pal of P.S. North Avenue, the IO of the present case.
10. Learned APP has opposed the present petition on the ground that the

young son of complainant has expired in the accident and the amount of Rs.2 lacs as compensation does not meet the ends of justice. He, therefore, requests that if this Court is inclined to quash the FIR in question, the amount of compensation may be increased.

11. At this stage, petitioner, who is present in the Court, has come forward and has offered to pay an additional amount of Rs.3 lacs to respondent no.2, apart from Rs.2 lacs, as agreed earlier.

12. In view of the settlement arrived at between the parties, this Court is inclined to quash the aforementioned FIR as no useful purpose would be served in prosecuting the petitioner any further.

13. In view of assurance accorded by the petitioner before this Court today, I hereby direct that the petitioner shall pay the enhanced amount of Rs.3 lacs before the Trial Court on 09.12.2019 by way of a demand draft, failing which the criminal proceedings qua the petitioner shall stand revived.

14. The IO of the case is directed to ensure presence of respondent no.2 before the Trial Court on the date fixed.

15. For the reasons afore-recorded, the FIR No. 19/2017 under Sections 279/304A IPC registered at P.S. North Avenue and proceedings consequent thereto are hereby quashed.

16. The petition is allowed accordingly.

17. Order *dasti*.

(SURESH KUMAR KAIT)
JUDGE

NOVEMBER 27, 2019

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