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

+ **CRL.M.C. 3692/2022**

PARAG GUPTA

..... Petitioner

Through: Mr. Atul Verma with Mr. Shubham
Srivastava and Ms. Mamta Verma,
Advocates.

versus

STATE OF NCT OF DELHI & ANR.

..... Respondents

Through: Mr. Amit Sahni, APP for the State.

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Date of Decision: 09th December, 2022

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

J U D G M E N T

DINESH KUMAR SHARMA, J. (Oral)

CRL.M.A. 15533/2022 (exemption)

Exemption allowed subject to all just exceptions.

CRL.M.C. 3692/2022

1. Present petition has been filed for quashing of FIR No.15/2022 under Sections 337 IPC, registered at Metro Police Station Rajiv Chowk. The FIR was lodged on the statement of the complainant Sh. Prakash Kumar Martha wherein it was alleged that on 26.03.2022 at around 4:30 pm, he boarded Metro from Nehru Place to Central Secretariat and that while he was climbing the stairs at Central Secretariat, Metro Station, a glass on the stairs

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fell down due to which he suffered injuries on his head.

2. The Investigating Officer states that during the investigation it was found that the petitioner is responsible for the maintenance of several works from Kashmiri Gate to Moolchand, L-6. The attention has been drawn to the letter of acceptance dated 08.02.2022, issued by the Delhi Metro Rail Corporation.

3. Learned counsel for the parties submits that the parties have entered into a settlement and no purpose would be served in keeping the said FIR alive. He invites the attention of the court to the affidavit of respondent No.2/complainant placed on record wherein respondent No.2/complainant stated that he believes that the accident was an act of God and that no person has acted negligently and rashly for happening of the said accident

4. The complainant is present in court and has duly been identified by the IO. He states that he has been compensated with costs of Rs.90,000/- and that he has entered into a settlement voluntarily. He further states that the petitioner had no role in the accident and that he has no objection if the present FIR is quashed.

5. The inherent power under Section 482 Cr.P.C. is of wide plenitude with no statutory limitation but it has to be exercised in accord with the guidance engrafted in such power viz.: (i) to secure the ends of justice, or (ii) to prevent abuse of the process of any court. In the case of **Gian Singh v. State of Punjab** (2012) 10 SCC 303, the Supreme Court has observed that in the exercise of its inherent power under Section 482, the High Court can quash FIR/Charge-sheet on the basis of alleged settlement except in cases of

rape, murder, dacoity or the cases under the Special Statutes like Prevention of Corruption Act or the offences committed by public servants while working in that capacity etc.

6. It has also been repeatedly held that the High Court may quash the criminal proceedings if in its view, because of the compromise between the offender and the victim, the possibility of conviction is remote and bleak and continuation of the criminal case would put the accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal case despite full and complete settlement and compromise with the victim. Reliance can be placed upon *Madhavrao Jiware v. Sambhajirao Chandojiroo Angre*, (1988) 1 SCC 692

7. In the present case, it appears from the averments of the affidavit as well as interaction with respondent no.2/ complainant that he is not going to support the case of the prosecution and the possibility of conviction is remote and bleak. In view of the matter, the continuation of the criminal proceedings would be an exercise in futility and it is an abuse of the process of the court. There would no purpose in continuing with the present proceedings and accordingly, the FIR No.15/2022 registered at Metro Police Station Rajiv Chowk under Sections 337 IPC is quashed.

8. Accordingly, the present petition is disposed of.

DINESH KUMAR SHARMA, J

DECEMBER 09, 2022/st..