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

+ **CRL.M.C. 3364/2022**

PARVEZ ALAM

..... Petitioner

Through: Mr. Suresh Prasad with Mr. Bhuvnesh Mittal, Mr. Mithilesh Kumar Jaiswal and Mr. Sandeep Singh, Advocates.

versus

STATE OF DELHI (NCT) & ORS.

..... Respondents

Through: Mr. Satinder Singh Baba, APP for the State

Ms. Rajni Sharma, Advocate for respondent No.2 with respondent No.2 in person.

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Date of Decision: 06th January, 2023

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

J U D G M E N T

DINESH KUMAR SHARMA, J. (Oral)

1. This is a petition for quashing of FIR No.231/2019 under Sections 279/337 IPC registered at Police Station New Friends Colony. FIR was lodged on the statement of Sh. Salim Ahmad. In the FIR it was alleged that the complainant along with his friend Mr. Rashid Hashmi and Md. Adil were hit by a car from the back side. The complainant alleged that the driver of the offending vehicle ran away from the spot. On this statement,

FIR No.231/2019 under Sections 279/337 IPC was lodged. After the investigation, chargesheet under Sections 279/337/338 IPC and Sections 146/196 MV Act was filed. However, during the pendency of the trial, the parties have entered into the settlement. The Settlement-cum-Compromise Deed dated 20.02.2020 has been placed on record. In the Settlement-cum-Compromise Deed dated 20.02.2020, it has been stated that now the dispute has been amicably settled amongst the parties and the victims have no grievance and claim of any nature either civil or criminal against the either party. MACT No.369/2020 has also been disposed of in view of the amicable settlement vide order 10.11.2020.

2. The injured persons are present in Court. They have stated that they have entered into the settlement with the driver of the offending vehicle namely Parvez Ahmed and owner of the offending vehicle namely Vakil Ahmad out of their own free will without any fear, force and coercion. The injured persons state that they have forgiven the driver of the offending vehicle.

3. It has repeatedly been held by the Hon'ble Supreme Court and this court that if the dispute between the parties is private in nature, there should be an encourage of settlement. In such cases settlement between parties would resolve a festering private dispute. It is also imperative to point that where the chances of an ultimate conviction are bleak and, therefore, no useful purpose is likely to be served by allowing a criminal prosecution to continue, the court may while taking into consideration the special facts of a case quash the proceedings.

4. Since the offence predominantly is personal in nature and the parties have entered into the settlement, the Settlement-cum-Compromise Deed dated 20.02.2020 is accepted.

5. This court is of the view that there would be no purpose of continuing with the trial. However, the petitioner is directed to deposit a sum of Rs.25,000/- with the Employees Welfare Fund within 10 days and file the receipt with the Registry.

6. Taking into account the totality of facts and circumstances, the case FIR No.231/2019 under Sections 279/337 IPC registered at Police Station New Friends Colony and all the proceedings emanating therefrom are quashed.

7. The present petition stands disposed of.

DINESH KUMAR SHARMA, J

JANUARY 06, 2023
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