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

+ **CRL.M.C. 5295/2022**

HARSH YADAV

..... Petitioner

Through: Mr. Jatin Teotia, Advocate.

versus

STATE NCT OF DELHI AND ORS

..... Respondents

Through: Mr. Hemant Mehla, APP for State
with Mr. Dipanshu Meena, Advocate.

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Date of Decision: 13.04.2023.

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

J U D G M E N T

DINESH KUMAR SHARMA, J. (Oral)

1. The present petition has been filed for quashing of FIR No.370/2022 under Section 279/338 IPC and Section 3/181 of MV Act registered at P.S. Moti Nagar.
2. Briefly stated facts of the case are that the present FIR was lodged by respondent no.2 Ankit Dogra alleging therein that on 23.04.2022 at about 1:30am Respondent no.2 was going to drop Respondent No.3 in his vehicle bearing no. DL8CAS2816 when his vehicle was hit by the offending vehicle bearing no. DL8CAK5849 which was driven by the petitioner. On account of this respondent no.3 suffered serious injuries.
3. After the investigation, the charge-sheet was filed. However, now it is

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submitted that the parties have reached into a settlement vide settlement deed 20.09.2022. The settlement deed has been placed on record.

4. The terms of the settlement deed are as follows :-

“AND WHEREAS as efforts and attempts were made by the friends and elders as well as the respectable people of the society thereby clarifying all the bonafide mistakes, misunderstandings between the parties. That all the parties have settled their dispute and the parties shall make statements before the Hon'ble Court in this respect as and when required. All the disputes between the parties stands finally resolved and there is no ill will or complaint against each other in any manner. The parties have thus decided to file the petition for quashing of chargesheet against FIR No. 0370/2022 P.S. Moti Nagar, West Delhi under Section 279/338 IPC, 1860 and Section 3/181 of MV Act and the consequential proceedings arising thereupon on the basis of this settlement deed.

AND WHEREAS as efforts made for settlement, the first party will pay a sum of Rs. 35,000/- to Third Party and Rs. 35,000/- to the Second Party for getting the quashing of chargesheet against FIR No. 0370/2022 P.S. Moti Nagar, West Delhi under Section 279/338, IPC, 1860 and Section 3/181 of MV Act and the consequential proceedings arising.

AND WHEREAS this FIR quashing Settlement Deed has been executed between the parties with their mutual consent and free will without any pressure, force, coercion or undue influence from any side. The parties have decided to end all their disputes fully and to live peacefully.

The complaint filed by the Second Party against First party shall stand withdrawn, cancelled and revoked finally after signing of this mutual Settlement Deed.

The Second and Third Party have no objection, if the Honble Court quash the chargesheet against FIR No. 0370/2022 P.S. Moti Nagar, West Delhi under Section 279/338 IPC, 1860 and Section 3/181 of MV Act and the consequential proceedings arising thereupon on the basis of this settlement deed.”

5. In terms of the settlement a sum of Rs. 35,000/- each has been paid to

the respondents.

6. Both the respondents have appeared through VC and they have settled the matter amicably without any fear, force or coercion.

7. It has been repeatedly held that when 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.

8. In terms of the above facts and circumstances the case FIR No.370/2022 under Section 279/338 IPC and Section 3/181 of MV Act registered at P.S. Moti Nagar and all the other proceedings emanating therefrom is quashed.

8. The present petition is disposed of.

DINESH KUMAR SHARMA, J

APRIL 13, 2023/AR

न्यायमेव जयते