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

+ **CRL.M.C. 6700/2022**

PRASHANT SHARMA

..... Petitioner

Through: Mr. Rajkumar, Adv. with petitioner.

versus

THE STATE & ORS.

..... Respondents

Through: Mr. Hemant Mehla, APP for State
and SI Gajender Mathur, PS Delhi
Cantt.

Mr. Dharmender Kumar, Adv. with
R-2, 3 and 4.

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Date of Decision: 24.07.2023.

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 seeking quashing of case FIR No. 40/2019 under Sections 279/304A IPC registered at PS Delhi Cantt., Delhi.
2. Briefly stated facts of the case are that the present FIR was lodged at the statement of Mr.Virender Pal Singh alleging therein that on 25.01.2019 he was travelling with his colleague Mr.Kaushal (since

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deceased) when suddenly the left side rear wheel of the vehicle got deflated and while Sh. Kaushal Kumar was changing the tyre of his vehicle No. DL6CN5976, a vehicle No. DL12CN4233 which was being driven in rash and negligent manner hit the complainant's vehicle from the left side, on account of which Kaushal Kishore was crushed under his vehicle and serious injuries and succumbed to those injuries. Complainant has stated that while Kaushal Kishore was changing the tyre a parking light was on and the warning mode was also duly in display.

3. Learned counsel for the petitioner states that however both the parties have entered into an amicable settlement during the MACT proceedings before Lok Adalat and respondent Nos. 2, 3 and 4 have received a sum of Rs. 30 lakhs.
4. The compromise deed dated 08.12.2022 contains the following terms and conditions –

“Whereas on 26.01.2019, the husband of first party No.1 father of first party No.2 and son of first party No.3 namely Kaushal Kishor met with an accident with the vehicle and succumbed to his injured and an FIR No.40/2019, u/s 279/304A IPC, P.S. Delhi Cantt., Delhi was registered against the second party.

And whereas the first party being the legal heirs of deceased Kaushal Kishore has already received the compensation amount of Rs.30 lacs from the Insurance company of the vehicle after the matter having been settled in Lok Adalat.



And whereas with the intervention of well wishers and the respectable persons of the society, the first party on behalf of herself and first party No.2 as well as first party No.3 has settled/ compromised the matter with the second party for a total sum of Rs.2,25,000/- as full and final settlement amount, out of which an amount of Rs.50,000/-is agreed to be paid by the second party to the first party No. 1 today at the time of execution of the present compromise deed and remaining amount of Rs. 1,75,000/-shall be paid by the second party to the first party No.1 at the time of quashing of FIR No.40/2019, u/s 279/304-A IPC, P.S. Delhi Cantt., Delhi before the Hon'ble High Court of Delhi at New Delhi.

And whereas the first party has compromised with the second party with their own free will, consent, and without any pressure, threats, coercion or undue influence from any comer.”

5. The remaining payment of Rs. 1,75,000/- (Rupees One Lakh Seventy-Five Thousand only) has been made today by way of Demand Draft bearing No. 892498 dated 20.07.2023 in the name of Moni Awasthi drawn from Union Bank.
6. The respondents are present in person and state that they have entered into the settlement voluntarily out of their own free will without any fear, force or coercion.
7. It has been repeatedly held by the Hon'ble Supreme Court and this court 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, and where the court may be of



the opinion that a settlement between the parties would lead to better relations between them, the court may exercise power under section 482 CrPC for quashing the proceedings or the complaint or the FIR as the case may be.

8. In view of the above facts and circumstances, the case FIR No. 40/2019 under Sections 279/304A IPC registered at PS Delhi Cantt., Delhi and all the other proceedings emanating therefrom are quashed.
9. The present petition stands disposed of.

DINESH KUMAR SHARMA, J

JULY 24, 2023/AR