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

+ **CRL.M.C. 1127/2024**

BIMAL KUMAR

.....Petitioner

Through: Mr. Sanjay Kumar and Mr. Manoj
Kumar, Advs.

versus

THE STATE GOVT. OF NCT DELHI AND ANR.Respondents

Through: Ms. Richa Dhawan, APP for State.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

22.07.2024

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1. The present Petition under Section 482 of the Code of Criminal Procedure, 1973 (*hereinafter referred to as "Cr.P.C., 1973"*) has been filed on behalf of the petitioner seeking to quash the FIR No. 120/2020 registered under Sections 279/338 of the Indian Penal Code, 1860 (*hereinafter referred to as "IPC, 1860"*) at Police Station Mangolpuri, Delhi.
2. Issue notice.
3. Mr. Richa Dhawan, learned Additional Public Prosecutor, accepts notice on behalf of the State.
4. Brief facts of the case are that on 07.02.2020, the respondent No. 2/complainant was going to Pushpanjali Enclave bus stop to catch the bus from his house.
5. When he reached Outer Ring Road and he started crossing it, he saw a Car bearing No. DL 2FGJ 4444 was coming very fast in a zig-zag manner and hit him.



6. He suffered a fracture in his leg and the driver of the said car came out and took respondent No. 2 to Jaipur Golden Hospital.

7. It is submitted that on 12.02.2020 on the complaint of respondent No. 2, an FIR No. 120/2020 registered under Sections 279/338 of IPC, 1860 at Police Station Mangolpuri, Delhi.

8. It is submitted that during the pendency of the litigation, the parties were referred to mediation by the learned Metropolitan Magistrate, District North-West, Rohini Courts, Delhi, wherein the parties have amicably settled all the disputes between them *vide* Settlement Agreement dated 01.02.2024, in Delhi Mediation Centre, Rohini Courts, New Delhi which *inter alia* states that: -

(i) That the petitioner shall pay a total sum of Rs. 30,000/- to the respondent No. 2 towards full and final settlement,

(ii) That the settlement amount shall be paid at the time of quashing of FIR.

(iii) That the respondent No. 2 shall withdraw all the pending cases against the petitioner.

9. In view of the Settlement Agreement dated 01.02.2024, the present petition has been filed.

10. The petitioner and respondent No. 2 are present before this Court in-person today, and they have been identified by their counsel and Investigating Officer concerned.

11. It is submitted that the MACT case has already been settled by the respondent No. 2 with the Insurance Company in sum of Rs. 1,50,000/- as full and final settlement on 24.12.2021.

12. Moreover, the petitioner has borne a sum of Rs. 35,000/- towards the



medical treatment of the petitioner.

13. The petitioner has handed over one Demand Draft in the Court today to the respondent No. 2 i.e., Demand Draft No. 329735 for Rs. 30,000/-, dated 02.02.2024 made in favour respondent No. 2/Arjun Singh, drawn on Punjab National Bank, Lawrence Road, Delhi, and the same has been accepted by the respondent No. 2.

14. The parties have submitted that all the disputes have been amicably settled *vide* Settlement Agreement dated 01.02.2024 and thus, no fruitful purpose will be served in continuing with the FIR.

15. The present petition has been signed by the petitioner and is supported by affidavits of petitioner and the respondent No. 2. The parties have reaffirmed the terms of the settlement and they also submit that the said settlement has been arrived at between the parties without any pressure and coercion.

16. Today, the respondent No. 2, who is present in Court, states that he has received all amounts due to her and has no objection if the FIR is quashed.

17. In view of the above facts that the parties have amicably resolved their differences out of their own free will and without any coercion and also the fact that the present matter is a family matter, no useful purpose will be served in continuing with the proceedings, rather the same would create further acrimony between them. Hence, it would be in the interest of justice to quash the abovementioned FIR and the proceedings pursuant thereto.

18. Moreover, there is no legal impediment in quashing the FIR in question.

19. Accordingly, FIR bearing No. 120/2020 registered at Police Station



Mangolpuri, Delhi, for offences punishable under Sections 279/338 of IPC, 1860 and all consequential proceedings emanating therefrom are quashed.

20. The petition stands disposed of.

NEENA BANSAL KRISHNA, J

JULY 22, 2024/NG