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

+ **CRL.M.C. 720/2020 & CRL.M.A. 2974/2020**

ABHINAV CHHABRA

.....Petitioner

Through: Mr. Arshdeep Singh Khurana, Mr.
Sanjay Abbot & Mr. Nikhil Pawar,
Advocates.

versus

STATE & ORS

.....Respondents

Through: Mr. Amit Ahlawat, APP for State.
Mr. Saurabh Tewari, Mr. Amit
Vashisth & Mr. Sunny Kumar,
Advocates for R-2 to 4 with R-2 & 3
in person.
ASI Bindeshwari, MACT/Cell.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

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10.07.2024

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. 25/2016 registered under Sections 279/304A of the Indian Penal Code, 1860 (*hereinafter referred to as "IPC, 1860"*) at Police Station Sarai Rohilla, Delhi.
2. Issue notice.
3. Mr. Amit Ahlawat, learned Additional Public Prosecutor appearing on advance notice, accepts notice on behalf of the State.
4. Mr. Saurabh Tewari, learned counsel appearing on advance notice, accepts notice on behalf of the respondent Nos. 2 to 4.



5. Brief facts of the case are that the petitioner met with an accident on 05.01.2016, in which Smt. Sashi Kala, wife of respondent No. 2, had died.
6. It is submitted that the deceased was aged about 61 years at the time of her demise and is survived by her husband, daughter and a son, who are respondent Nos. 2 to 4 herein.
7. It is further submitted that on 06.01.2016, an FIR bearing No. 25/2016 under Sections 279/304A of the IPC, 1860 got registered at Police Station Sarai Rohilla, Delhi.
8. It is submitted that the parties, with the mutual consent, have amicably settled all the disputes and differences between them *vide* Settlement Agreement dated 23.02.2019 which *inter alia* states that: -
 - (i) That the respondent Nos. 2, 3 and 4 shall be paid an amount of Rs. 6,75,000/- by the petitioner towards full and final amount of all the claims,
 - (ii) First instalment of Rs. 1,50,000/- shall be paid before the MACT Court on 05.03.2019,
 - (iii) Second instalment of Rs. 1,50,000/- shall be paid before the MACT Court on 09.04.2019,
 - (iv) Third instalment of Rs. 2,00,000/- shall be paid before the MACT Court on 06.06.2019,
 - (v) Fourth and final settlement of Rs. 1,75,000/- shall be paid by the petitioner to the respondent Nos. 2 to 4 at the time to quashing of FIR,
9. It is further stated that Rs. 5,00,000/- has already been paid by the petitioner to the respondent Nos. 2 to 4 viz., the aforesaid three instalments.
10. In view of the Settlement Agreement dated 23.02.2019, the present



petition has been filed.

11. The petitioner and the respondent Nos. 2 and 3 are present before this Court in-person today, and they have been identified by their counsel and Investigating Officer concerned.

12. The fourth instalment of Rs. 1,75,000/- has been paid to the respondent Nos. 2 to 4 by the petitioner today, *vide* Demand Draft No. 400606 dated 08.07.2024 made in favour of the respondent No. 2/Dalip Kumar, drawn on Canara Bank, G.D. Salwan Public School Branch, New Delhi and the same has been accepted by the respondent No. 2/Dalip Kumar.

13. The respondent No. 4/Madhusudan, who is present in Court, submits that he has no objection to the amount being handed over to his father, respondent No. 2.

14. The respondent No. 4/Anjali, who is the daughter, is under the guardianship of the father.

15. The parties have submitted that all the disputes have been amicably settled *vide* Settlement Agreement dated 23.02.2019 and thus, no fruitful purpose will be served in continuing with the FIR.

16. The present petition has been signed by all the petitioners and is supported by their respective affidavits. 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.

17. Today, the respondent Nos. 2 to 3, who are present in Court, state that they have received all amounts due to them and have no objection if the FIR is quashed.

18. 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.

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

20. Accordingly, FIR bearing No. 25/2016 registered at Police Station Sarai Rohilla, Delhi, for offences punishable under Sections 279/304A of IPC, 1860 and all consequential proceedings emanating therefrom are quashed.

21. The petition along with pending application stands disposed of.

NEENA BANSAL KRISHNA, J

JULY 10, 2024
S.Sharma