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

+ **W.P.(CRL) 869/2024**

KAMAL SINGH

..... Petitioner

Through: Mr. Dhan Mohan, Mr. Neeraj Kumar
Singh, Ms. Tanisha Bhatia and Mr.
Ravi Mishra, Advs.

versus

THE STATE NCT OF DELHI AND ANR

..... Respondents

Through: Mr. Sanjay Lao, SC for State with Ms.
Priyam Aggarwal, Adv. with SI
Deepak Vashisht, PS. Vikas Puri.
Mr. Ratnesh Kumar and Ms. Anjali
Pandey, Advs. for R-2 along with R-2
in person.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

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15.03.2024

CRL.M.A. 8246/2024 (exemption)

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

W.P.(CRL) 869/2024

3. The present petition has been filed under Article 226 of the Constitution of India read with Section 482 CrPC seeking quashing of FIR No.183/2023 under Sections 279/337 IPC registered at Police Station Vikaspuri and all consequential proceedings emanating therefrom on the



ground that the parties have arrived at a settlement.

4. Issue notice. The learned Standing Counsel for the State accepts notice. He submits that since the FIR is an outcome of an accident and the parties have arrived at a settlement, the State has no objection in case the FIR in question is quashed.

5. The petitioner, as well as, respondent no. 2 are present in the Court and they have been identified by their respective counsel and by the Investigating Officer SI Deepak Vashisht, PS. Vikas Puri.

6. The brief facts of the case are that on 21.04.2023 at around 09:30 p.m, the respondent no.2 along with his brother-in-law on a Bajaj Platina Motorcycle was crossing the pool from Khanda Chowk towards Vikaspuri, when the white Xcent vehicle hit his bike. As a consequence of the accident, the respondent no.2 suffered injuries in his right leg and this led to the registration of the aforesaid FIR.

7. During the pendency of the proceedings, the parties arrived at a settlement, terms whereof were reduced in writing in the form of Memorandum of Understanding dated 28.02.2024, which is annexed as Annexure P-2 to the present petition.

8. It is also a term of the settlement between the parties that the petitioner shall pay a total sum of Rs.35,000/- to the respondent no.2 towards full and final settlement. The said settlement amount has been paid to the respondent no.2 today in the Court by the petitioner by way of Demand Draft bearing No.170870 dated 04.03.2024 issued by the Indian Bank.

9. The receipt of entire amount of Rs.35,000/- is acknowledged by the respondent no.2, who is present in Court.

10. The respondent no.2, on a query put by the Court, states that he has no



objection in case the FIR is quashed.

11. The learned counsel for the petitioner submits that since the FIR is being quashed, therefore, the car bearing No. DL-1ZC-797 (Xcent Vivt Prime T+ CNG) which is still in the custody of the police, may be ordered to be released.

12. At this stage, apt would it be to refer to the observations of the Supreme Court in *Gian Singh v. State of Punjab, (2012) 10 SCC 303: (SCC p. 340, para 58)*

“58. Where the High Court quashes a criminal proceeding having regard to the fact that the dispute between the offender and the victim has been settled although the offences are not compoundable, it does so as in its opinion, continuation of criminal proceedings will be an exercise in futility and justice in the case demands that the dispute between the parties is put to an end and peace is restored; securing the ends of justice being the ultimate guiding factor.”

13. In view of the settlement between the parties, the ultimate chances of conviction in the case are bleak, therefore, continuation of criminal proceedings will not serve any useful purpose and it will be an exercise in futility.

14. It is, thus, in the interest of justice that the present FIR and all the other proceedings emanating therefrom be quashed.

15. Consequently, the petition is allowed and the FIR No.183/2023 under Sections 279/337 IPC registered at Police Station Vikaspuri alongwith all other proceedings emanating therefrom, is quashed.

16. Since the aforesaid FIR stands quashed, the petitioner is at liberty to make an appropriate application before the concerned Police Station for the release of the vehicle in question.



17. The petition stands disposed of in the above terms.
18. Order be uploaded on the website of this Court.

MARCH 15, 2024/dss

VIKAS MAHAJAN, J