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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CRL.M.C. 2090/2022

VIPIN KUMAR

..... Petitioner

Through: Mr.N.K. Aggarwal, Ms.Sanjana
& Ms.Amanpreet Kaur, Advs.
along with petitioner in person.

versus

THE STATE GOVT. OFNCT OF DELHI AND ORS

..... Respondents

Through: Ms.Priyanka Dalal, APP
SI Kiran Dayal, PS Moti Nagar.
Respondent no.2 present
through VC.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

16.04.2024

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1. This petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 (in short, 'Cr.P.C.') seeking quashing of FIR No. 638/2015 registered at Police Station: Moti Nagar, West District, Delhi under Sections 279/304A of the Indian Penal Code, 1860 (in short, 'IPC') (Later on Sections 146/196 of the Motor Vehicles Act, 1988 (in short, 'MV Act') were also invoked), along with all other proceedings arising therefrom, on the basis of a settlement.

2. The disputes between the parties arose out of a motor vehicular accident which led to the registration of the abovementioned FIR.

3. The learned counsel for the petitioner submits that the disputes between the parties have now been amicably settled between the parties, that is, the petitioner and respondent nos.2 to 7, and the terms



and conditions of the said settlement have been duly recorded in the Award dated 20.10.2016 passed by the learned Motor Accidents Claim Tribunal, Dwarka Courts, New Delhi (hereinafter referred to as the 'MACT'). The final compensation as awarded by the learned MACT has already been received by the legal heirs of the deceased, that is, the respondent nos.2 to 7 herein. The learned counsel for the petitioner further submits that affidavits of the Legal heirs of the deceased giving no objection have also been placed on record.

4. The respondent nos.2, who is present in Court through VC and has the authority to make submissions on behalf of the other respondents as well, has been duly identified by the Investigating Officer (IO). He reaffirms the above-mentioned settlement and states that they have settled all the disputes with the petitioner out of their own free will and without any coercion. The respondent no.2 submits that there is no objection if the present FIR is quashed.

5. I have perused the contents of the FIR and also the settlement between the parties.

6. Keeping in view the fact that the complainants do not wish to pursue their complaint any further, as also the Settlement arrived at between the parties, I find that no useful purpose shall be served in continuing with the proceedings of the present FIR as the chances of its success will be rather minuscule and will be an unnecessary burden on the State exchequer.

7. Guided by the principles enunciated by the Supreme Court in its judgments in *Gian Singh v. State of Punjab*, (2012) 10 SCC 303; *Parbatbhai Aahir @ Parbatbhai Bhimsinbhai Karmur & Ors. v.*



State of Gujarat & Ors. (2017) 9 SCC 641; and, *State of Haryana & Ors. v. Bhajan Lal & Ors.*, 1992 Supp (1) SCC 335, this Court deems it appropriate, in the interest of justice, to exercise its inherent powers under Section 482 of the Cr.P.C. to quash the FIR and all the proceedings emanating therefrom.

8. Accordingly, the petition is allowed. FIR No. 638/2015 registered at Police Station: Moti Nagar, West District, Delhi under Sections 279/304A of the IPC and Sections 146/196 of the MV Act, and all consequential proceedings emanating therefrom against the petitioner are quashed, subject to the condition that the petitioner shall deposit costs of Rs.15,000/- with the Blind Relief Association, Delhi, State Bank of India, IOC Branch, Lodhi Road, New Delhi, Account No.30003044419, IFS Code: SBIN0006564 within a period of four weeks from today, and shall give proof of such deposit with the Registry of this Court and also supply a copy thereof to the IO, within the said period.

NAVIN CHAWLA, J

APRIL 16, 2024/rv/AS

Click here to check corrigendum, if any