



\$~57

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 2789/2024**
SH. DEEPAK MAHESHWARI Petitioner
Through: **Mr.S.P. Gairala, Mr.V.K.**
Sharma, Advs. with petitioner.

versus

GOVT.OF NCT OF DELHI AND ORS Respondents
Through: **Mr. Shoaib Haider, APP with**
ASI Mohar Singh.
Mr.Paramvir Singh Negi,
Advs.for R-2 & 3 with R-2 & 3
in person.

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER
% **08.04.2024**

CRL.M.A. 10591/2024 (Exemption)

1. Allowed, subject to all just exceptions.

CRL.M.C. 2789/2024

2. 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.212/2022 registered at Police Station: I.P.Estate, New Delhi, under Sections 279/337/304-A of the Indian Penal Code, 1860 (in short, 'IPC'), along with all other proceedings arising therefrom, on the basis of a settlement.

3. Issue notice.

4. Notice is accepted by Mr. Shoaib Haider, the learned APP and Mr.Paramvir Singh Negi, Advocate for respondent nos.2 and 3.



5. The learned counsel for the petitioner submits that the deceased was a relative of the petitioner and the unfortunate accident occurred when he was sitting as a pillion rider on the motorcycle being driven by the petitioner. He submits that the parties have now amicably settled their *inter se* disputes and have entered into a settlement vide Settlement Deed dated 12.02.2024.

6. The respondent nos.2 and 3, who are personally present in Court and have been duly identified by the Investigating Officer (IO), reaffirm the settlement and state that they have settled all the disputes with the petitioner out of their own free will and without any coercion. They submit that the accident was not due to any intentional or negligent default of the petitioner. They submit that they have no objections if the present FIR is quashed.

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

8. Keeping in view the fact that the parties are related to each other and that the respondent nos.2 and 3 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 it would create further acrimony between the parties and will be an unnecessary burden on the State exchequer.

9. 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.

10. Accordingly, the petition is allowed. FIR No.212/2022 registered at Police Station: I.P.Estate, New Delhi, under Sections 279/337/304-A of the IPC and all consequential proceedings emanating therefrom against the petitioner are quashed, subject to the condition that the petitioners shall deposit costs of Rs.50,000/- with the Samarpan Children's Home [Samarpan Foundation, A-13, Ground Floor, Friends Colony East, New Delhi-110065, HDFC Bank, Current Account No.06171450000031, Branch-Jor Bagh Market, New Delhi-110003, RTGS/NEFT ISFC:HDFC0000617, MICR:110240103], within a period of four weeks from today, and file proof of such deposit with the Registry of this Court and also supply a copy thereof to the IO, within the said period.

11. *Dasti.*

NAVIN CHAWLA, J

APRIL 8, 2024/Arya/am

Click here to check corrigendum, if any