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

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Date of Decision: 30.04.2024

+ CRL.M.C. 2892/2024

SAMEER ARSHAD KHATLANI

..... Petitioner

Through: Ms.Smriti Sinha and Ms.Shriyanshi
Pathak, Advocates with Petitioner-in-
person.

versus

STATE AND ANR

..... Respondents

Through: Ms.Kiran Bairwa, APP for State with
Insp. Dhrender Kumar, & SI/IO
Kuldeep, P.S. I.P. Estate.
Respondent No.2 in person.

CORAM:

HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

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J U D G M E N T

ANOOP KUMAR MENDIRATTA, J (ORAL)

1. Petition under Section 482 of the Code of Criminal Procedure, 1973 ('Cr.P.C.') has been preferred on behalf of the petitioner for quashing of FIR No. 0404/2022 under Sections 279/337 IPC registered at P.S.: I.P. Estate and proceedings emanating therefrom. Section 338 IPC is stated to have been subsequently invoked during filing of chargesheet.

2. In brief, as per the case of the prosecution, respondent No.2/complainant alleged that on 31.10.2022 when she was heading to her office on scooty No.DL-75CL 4296, she was hit by a car bearing registration No.DL7CN7963 driven by the petitioner. The matter was initially compromised between the parties but later on, it was revealed on medical



examination that respondent No.2 had suffered fracture. FIR was accordingly registered on 29.11.2022 upon fresh complaint filed by respondent No.2.

3. Learned counsel for the petitioner submits that petitioner is a journalist and the incident had occurred without any intentional negligence on his part. He further informs that matter has been amicably settled between the parties and amount of Rs.1.8 lacs has been given to respondent No.2, apart from the compensation awarded to her by Motor Accident Claim Tribunal.

4. Learned APP for the State submits that in view of amicable settlement between the parties, State has no objection in case the FIR in question is quashed.

5. Petitioner in the present case seeks to invoke the powers under Section 482 of Code of Criminal Procedure. The same is to be used to secure the ends of justice or to prevent the abuse of process of any Court. In which cases, the power to quash the criminal proceedings or the complaint or FIR may be used when the offender as well as victim have settled their dispute, would depend upon the facts and circumstances of each case and no generalised list or categories can be prescribed. However, the Court is required to give due regard to the nature and gravity of the offence and consider the impact on the society.

6. It may also be observed that heinous and serious offences involving mental depravity or offences such as murder, rape and dacoity cannot be appropriately quashed despite settlement. However, distinguished from serious offences, the offences which have predominant element of civil dispute or offences involving minor incidents, where the complainant/victim also stands compensated for loss, if any, stand on a different footing, so far as exercise of inherent powers under Section 482 Cr.P.C. is concerned. It



may also be assessed, if in view of compromise between the parties, the possibility of conviction in such a case is remote and whether continuation of proceedings would cause grave oppression and prejudice the accused.

7. Petitioner as well as respondent No.2 are present in person and have been identified by SI Kuldeep, P.S.: I.P. Estate. I have interacted with the parties and they confirm that the matter has been amicably settled between them without any threat, pressure or coercion. Respondent No.2 also states that nothing remains to be further adjudicated upon between the parties and she has no objection in case the FIR in question is quashed.

8. It needs to be kept in perspective that in criminal cases involving negligence, amount and degree of negligence are the determining factors. Criminal negligence is the gross and culpable neglect or failure to exercise reasonable and proper care and precaution to guard against the injury either to the public generally or to an individual in particular, which having regard to the circumstances of the case, accused was under a duty to adopt.

9. Petitioner and Respondent No.2 intend to put quietus to the proceedings, which happened due to an unintentional accident. The matter was even initially settled between the parties prior to registration of FIR. The chances of conviction are bleak in view of amicable settlement between the parties. The settlement shall further promote harmony between the parties. No past involvement of the petitioner has been brought to the notice of this Court.

Since the matter has been amicably settled between the petitioner and respondent No.2 who has been duly compensated, no useful purpose shall be served by keeping the case pending. Continuation of proceedings would be nothing but an abuse of the process of Court. Consequently, FIR No.



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0404/2022 under Sections 279/337/338 IPC registered at P.S.: I.P. Estate and the proceedings emanating therefrom stand quashed.

Petition is accordingly disposed of. Pending applications, if any, also stand disposed of.

A copy of this judgment be forwarded to the learned Trial Court for information.

ANOOP KUMAR MENDIRATTA, J.

APRIL 30, 2024/v