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

+ **CRL.M.C. 3819/2024**

RAJ KUMAR TOMARPetitioner

Through: Mr. Sharad Malhotra, Advocate with
petitioner in person.

versus

STATE OF NCT OF DELHI AND ORS.Respondents

Through: Mr. Hemant Mehla, APP for State.
Ms. Kanika Vohra & Mr. Shivam
Sharma, Advocates for R-2 to 6.

CORAM:
HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER
16.07.2024

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CRL.M.A. 14576/2024 (Exemption)

1. Allowed, subject to all just exceptions.
2. The application is disposed of.

CRL.M.C. 3819/2024

3. 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. 0459/2016 registered under Sections 304-A/337/288 of the Indian Penal Code, 1860 (*hereinafter referred to as "IPC, 1860"*) at Police Station Kanjhawala, Delhi.
4. Issue notice.
5. Mr. Hemant Mehla, learned Additional Standing Counsel, accepts



notice on behalf of the State.

6. Ms. Kanika Vohra, learned counsel for the respondent Nos. 2 to 6, accepts notice.

7. Brief facts of the case are that on 31.10.2016, deceased Sonu along with two other persons i.e., respondent Nos. 2 and 3 was going on a motorcycle to his Sasan in District Rohtak, Haryana. On their way, they met with an accident by crashing into the iron shuttering that was lying on the road which was to be used for construction work of a Welcome Gate for the Village Jonty by the petitioner, and they suffered grievous injuries. Sonu was driving the motorcycle whereas the respondent Nos. 2 and 3 were the pillion riders. Sonu died that in that accident and the respondent Nos. 2 and 3 sustained simple injuries.

8. It is submitted that an FIR No. 0459/2016 registered under Sections 304-A/337/288 of IPC, 1860 at Police Station Kanjhawala, Delhi.

9. It is submitted that during the pendency of the litigation, the parties have amicably settled all the disputes between them *vide* Mediation Settlement dated 21.09.2023, in Mediation Centre, Rohini Courts, New Delhi which *inter alia* states that: -

- (i) That the petitioner without admitting his guilt is ready and prepared to compensate to injured and LR's of deceased Sonu out of compassion,
- (ii) That the petitioner shall pay a total sum of Rs. 2,00,000/- to the respondent Nos. 2 to 6 towards full and final settlement,
- (iii) That Rs. 25,000/- each shall be paid to the injured i.e., the respondent Nos. 2 and 3 by the petitioner by way of Demand Draft,
- (iv) That Rs. 1,50,000/- shall be paid to the wife (respondent No. 4)



of deceased Sonu and two minor daughters i.e., respondent Nos. 5 and 6 by way of Demand Draft,

(v) That the settlement amount shall be paid at the time of quashing of FIR.

10. In view of the Mediation Settlement dated 21.09.2023, the present petition has been filed.

11. The petitioner, respondent No. 2, respondent No. 4 and wife of respondent No. 3/Pawan Kumar, who is stated to be in hospital, are present before this Court in-person today, whereas the respondent Nos. 5 and 6 who are minors and daughters of deceased, Sonu, are not present in the Court, they are being represented by their mother, being the minors, and they have been identified by their counsel and Investigating Officer concerned.

12. The petitioner has handed over three Demand Drafts in the Court today to the respondent No. 2, wife of respondent No. 3 and the respondent No. 4 i.e., Demand Draft No. 403770 for Rs. 25,000/- made in favour respondent No. 3/Pawan Kumar, Demand Draft No. 403767 for Rs. 1,50,000/- made in favour of respondent No. 4/Bharti, wife of deceased, and Demand Draft No. 403768 for Rs. 25,000/- made in favour of respondent No. 2/Narender all dated 09.05.2024, all drawn on Union Bank, Vasant Kunj, Car Market Branch, Delhi and the same has been accepted by the respondent No. 2, wife of respondent No. 3 and the respondent No. 4.

13. The parties have submitted that all the disputes have been amicably settled *vide* Mediation Settlement dated 21.09.2023 and thus, no fruitful purpose will be served in continuing with the FIR.

14. However, without prejudice to the rights and contentions of the petitioner, he may seek custody of the child in accordance with law.



15. The present petition has been signed by the petitioner and is supported by affidavits of petitioner and the respondent Nos. 2 to 6. 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.

16. Today, the respondent No. 2, wife of respondent No. 3 and respondent No. 4, who are present in Court, state that they have received all amounts due to her and has no objection if the FIR is quashed.

17. 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.

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

19. Accordingly, FIR bearing No. 0459/2016 registered at Police Station Khanjhawala, Delhi, for offences punishable under Sections 304-A/337/288 of IPC, 1860 and all consequential proceedings emanating therefrom are quashed.

20. The petition stands disposed of.

NEENA BANSAL KRISHNA, J

JULY 16, 2024

S.Sharma