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

+ **CRL.M.C. 4384/2024**

DR. MADHU SUDAN CHAUDHARY

.....Petitioner

Through: Mr. Tarun Khanna, Mr. Kumar
Vikram and Ms. Piyushi Garg,
Advocates with petitioner in person.

versus

STATE NCT OF DELHI AND ANR

.....Respondent

Through: Mr. Hemant Mehla, Ld. APP for the
State with SI Mitthan Lal P.S. H.N.
Din.
Mr. S.N. Parashar, Advocate for R-2
with R-2 in person.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

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06.09.2024

1. The present Petition under Section 482 of the Code of Criminal Procedure, 1973 ('Cr.P.C.') has been filed jointly on behalf of the petitioner seeking quashing of FIR No.0007/2019 registered at Police Station Hazrat Nizamuddin, for offences punishable under Sections 279/337/304-A of the Indian Penal Code, 1860 ('IPC').
2. Issue notice. Learned APP accepts notice on behalf of the State.
3. Briefly stated on 07.01.2019 the respondent No.2 along with his wife were coming to their home after attending a family function on their motor cycle. At about 07:30 P.M when they reached Barapula Flyover, the



petitioner's car hit their motorcycle from back accidentally and the wife of the respondent No.2 lost her balance and fell down from the flyover. The respondent No.2 and his wife were taken to hospital, where the wife of respondent No.2 was declared brought dead and respondent No.2 suffered fracture of his leg. The couple does not have any children. The PCR was called and respondent No.2 lodged an FIR No.0007/2019 under Section 279/337/304-A IPC at Police Station Hazrat Nizamuddin against the petitioner. The Chargesheet has been filed in the case.

4. It has been submitted that the matter has been amicably settled between the injured and the petitioner, through mediation. The Mediation Settlement dated 19.12.2023 is already on record. The said matter was settled at Delhi Mediation Centre, Saket Court, New Delhi. The respondent No.2 has received a sum of Rs.25,79,000/- due to the death of his wife and also received Rs.7 lakhs on account of injuries suffered by respondent No.2 in MACT. As per the Settlement arrived at between the parties, the petitioner has agreed to pay Rs.6.5 lakhs to respondent No.2, out of which Rs.1.7 lakhs have already been received by him and the balance amount of Rs.4.8 lakhs has been paid today in the Court vide Bank Draft No.579191 dated 03.09.2024 drawn on Kotak Mahindra Bank, Mayur Vihar Branch in the name of respondent No.2 Mr. Sunny, which is received by him.

5. The parties are present in the Court in person and have been identified by their counsel and Investigating Officer concerned. The parties have endorsed the amicable settlement and accepted the terms thereof voluntarily.

6. Today, the complainant who is present in Court states that he has received all the amounts due to him and has no objection, if the FIR is quashed.



7. In view of the above facts that the parties have amicably resolved their differences out of their own free will and without any coercion. Hence, it would be in the interest of justice, to quash the abovementioned FIR and the proceedings pursuant thereto. Moreover, there is no legal impediment in quashing the FIR in question.

8. Accordingly, FIR bearing No. 0007/2019 registered at Police Station Hazrat Nizamuddin, for offences punishable under Sections 279/337/304-A of the Indian Penal Code, 1860 ('IPC') and all consequential proceedings emanating therefrom are quashed.

9. It is directed that the amount of Rs.4,80,000/- received by the respondent No.2 through Bank Draft, be kept in FDR for a period of seven years in the name of respondent No.2.

10. The Petition stands disposed of.

NEENA BANSAL KRISHNA, J

SEPTEMBER 6, 2024/va