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

+ **CRL.M.C. 4520/2024**

**HIMANSHU KUMAR**

..... Petitioner

Through: Mr S. S. Ahluwalia, Mr Tarun  
Goomber, Mr Pankaj Mendiratta, Mr  
Jitender Goomber and Ms Priti  
Goswami, Advocates along with  
petitioner in person.

versus

**STATE NCT OF DELHI AND ORS.**

..... Respondents

Through: Mr Raj Kumar, APP for the State  
with SI Mohinder Kapoor, PS Tilak  
Marg.  
Respondent nos.2 and 3 in person.

**CORAM:**

**HON'BLE MR. JUSTICE VIKAS MAHAJAN**

**ORDER**

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**29.05.2024**

**CRL.M.A. 17028/2024**

1. Allowed, subject to all just exceptions.

**CRL.M.C. 4520/2024 & CRL.M.A. 17029/2024**

2. The present petition has been filed under Section 482 CrPC seeking quashing of FIR No.0122/2018 under Sections 279/338 IPC registered at Police Station Tilak Marg and all consequential proceedings emanating therefrom on the ground that the parties have arrived at a settlement.

3. Issue notice. The learned APP for the State accepts notice. He submits that since the parties have arrived at a settlement, the State has no objection in case the FIR in question is quashed.

4. The petitioner, as well as, respondent no. 2/complainant and his wife i.e., the respondent no.3 are present in the Court and they have been



identified by the learned counsel for the petitioner and by the Investigating Officer SI Mohinder Kapoor, PS Tilak Marg.

5. The brief facts of the case are that on 13.09.2018 the respondent no.2/complainant along with his wife/respondent no.3 was going to his factory on a scooter in Paharganj. When the complainant reached near the front door of MS Apartment at K. G. Marg one car bearing DL 3 CBF 9346 driven at very high speed negligently hit the complainant's scooter from the back and due to the said collision the complainant and his wife fell off from the scooter and suffered injuries. This incident led to the registration of aforesaid FIR.

6. During the pendency of the proceedings, the parties were referred to Delhi Mediation Centre, Patiala House Court, New Delhi, where they arrived at a settlement, terms whereof were reduced in writing in the form of Settlement dated 12.01.2024, a copy of which is annexed as Annexure-C to the present petition.

7. It is a term of the settlement that the petitioner shall pay a total sum of Rs.2,25,000/- to the respondent nos.2 and 3. The entire amount of Rs.2,25,000/- has already been paid to the respondent nos.2 and 3 by the petitioner. The receipt of entire amount of Rs.2,25,000/- is also acknowledged by the respondent nos.2 and 3, who are present in court.

8. It is also a term of the settlement that the parties shall abide by all the terms and conditions of the settlement and the respondent no.2 shall cooperate in quashing of the aforesaid FIR.

9. The respondent nos.2 and 3, on a query put by the Court, state that they have no objection in case the FIR is quashed.

10. At this stage, apt would it be to refer to the observations of the



Supreme Court in *Gian Singh v. State of Punjab*, (2012) 10 SCC 303: (SCC p. 340, para 58)

*“58. Where the High Court quashes a criminal proceeding having regard to the fact that the dispute between the offender and the victim has been settled although the offences are not compoundable, it does so as in its opinion, continuation of criminal proceedings will be an exercise in futility and justice in the case demands that the dispute between the parties is put to an end and peace is restored; securing the ends of justice being the ultimate guiding factor.”*

11. In view of the settlement between the parties, the ultimate chances of conviction in the case are bleak, therefore, continuation of criminal proceedings will not serve any useful purpose and it will be an exercise in futility.

12. It is, thus, in the interest of justice that the present FIR and all the other proceedings emanating therefrom be quashed.

13. Consequently, the petition is allowed and the FIR No.0122/2018 under Sections 279/338 IPC registered at Police Station Tilak Marg alongwith all other proceedings emanating therefrom, is quashed.

14. The petition stands disposed of in the above terms.

15. Order be uploaded on the website of this court.

**VIKAS MAHAJAN, J**

**MAY 29, 2024/MK**