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

+ **W.P.(CRL) 1748/2024**

LAKHMI CHAND

..... Petitioner

Through: Mr. Ashutosh Rana, Adv. with
petitioner in person.

versus

STATE (GNCTD) & ANR.

..... Respondents

Through: Mr. Sanjay Lao, SC for State with
Mr. Abhinav Kumar and Mr. Shivesh
Kaushik, Adv. with ASI Raghuraj PS
Sangam Vihar
Mr. Deepak Bounthiyal and Mr.
Vinod Yadav, Adv. for R2 with
respondent no.2

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

% **29.05.2024**

CRL.M.A. 17034/2024 (exemption)

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

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3. The present petition has been filed under Article 226 of Constitution of India read with Section 482 CrPC seeking quashing of FIR No.445/2018 under Sections 279/337/468/471 IPC registered at Police Station Sangam Vihar and all consequential proceedings emanating therefrom on the ground that the parties have arrived at a settlement.
4. Issue notice. The learned Standing Counsel 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.
5. Mr. Deepak Bounthiyal, learned counsel who appears on advance



service accepts notice on behalf of the respondent no.2.

6. The petitioner, as well as, respondent no. 2 are present in the Court and they have been identified by their respective counsel and by the Investigating Officer ASI Raghuraj PS Sangam Vihar.

7. The brief facts of the case are that the FIR was registered on the complaint of Respondent no.2 alleging that on 01.11.2018 at about 12.30 P.M. she was in front of her house and one person was driving his motorcycle rashly and negligently. The handle of the bike hit the abdomen of the respondent no.2 and she sustained injury. This led to the registration of the aforesaid FIR.

8. It has been pointed out that the person who was driving the offending motorcycle was CCL and has expired in the meanwhile. The learned counsel for the petitioner also submits that the chargesheet has been filed in the present case only against the present petitioner, who is the owner of the vehicle, and the CCL has not even been arraigned as an accused.

9. During the pendency of the proceedings, the parties arrived at a settlement, terms whereof were reduced in writing in the form of compromise deed / MoU dated 03.05.2024, which is annexed as Annexure P2 to the present petition.

10. It is recorded in the settlement that the parties have amicably resolved their disputes.

11. It is also a term of the settlement that the petitioner shall compensate the respondent no. 2 by making a payment of Rs. 1,25,000/-. The said amount has already been paid.

12. The receipt of entire amount of Rs.1,25,000/- is acknowledged by the respondent no.2, who is present in court.



13. The respondent no.2, on a query put by the Court, states that she has no objection in case the FIR is quashed.

14. 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.”

15. 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.

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

17. Consequently, the petition is allowed and the FIR No.445/2018 under Sections 279/337/468/471 IPC registered at Police Station Sangam Vihar along with all other consequential proceedings emanating therefrom, is quashed.

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

19. Order be uploaded on the website of this Court.

VIKAS MAHAJAN, J

MAY 29, 2024/N.S. ASWAL