



2024:DHC:6281



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* IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision: 21.08.2024

+ W.P.(CRL) 2540/2024
SHEESHPAL

.....Petitioner

Through: Mr. Siddharth Chaudhry, Mr. Kundan Chandravanshi, Mr. Vishnu Dutt, Mr. Ravi Kumar and Mr. Avdhesh Kumar, Advs. alongwith Petitioner in person.

versus

STATE OF NCT OF DELHI & ANR.

.....Respondents

Through: Mr. Yasir Rauf Ansari, ASC for the State with Mr. Alok Sharma and Mr. Vasu Agarwal, Advs. and with SI Anuj, PS Timarpur.
R-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)****CRL.M.A. 24790/2024**

Exemption allowed, subject to just exceptions.

Application stands disposed of.

W.P.(CRL) 2540/2024

1. Writ petition under Article 226 of the Constitution of India read with 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. 183/2023 under Sections 279/337 IPC registered at P.S.: Timarpur and proceedings emanating therefrom.

2. Issue notice. Learned ASC for the State and respondent No.2 in person appear on advance notice and accept notice.



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3. In brief, as per the case of prosecution, present FIR was registered on 15.03.2023 on complaint of respondent no. 2, who alleged that on 15.11.2022 in the process of boarding the bus, she fell and sustained injuries as the petitioner started the bus without caring to ensure that passenger had boarded the bus.

4. Learned counsel for the petitioner submits that admittedly the alleged incident had occurred on 15.11.2022 but the FIR was belatedly lodged only on 15.03.2023, since the petitioner was not at fault. He further submits that due help was immediately extended to respondent no. 2 as she was got admitted at the hospital through the guard present in the bus. He also points out that since the bus was stationary and had just started after boarding by respondent no. 2, no rash and negligent act can be presumed on the part of petitioner and the injuries were accidental.

5. The disputes have been amicably settled between the parties in terms of Mediation Settlement dated 08.04.2024 and an amount of Rs.55,000/- has been paid today through DD No.000008 dated 19.08.2024, drawn on HDFC Bank in favour of respondent No.2 which has been given to respondent No.2, apart from the compensation to be received by her in MACT proceedings initiated by respondent no. 2.

6. Respondent no. 2 in person submits that she could not lodge the complaint earlier as she was in pain and the guard in the bus alongwith driver (Petitioner) had immediately rushed her to the hospital for treatment. She further states that she could not give statement earlier to police since she was in pain.

7. Learned ASC 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.

8. 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.

9. It may also be observed that heinous and serious offences involving mental depravity or offences such as murder, rape and dacoity cannot be quashed despite settlement. However, distinguished from serious offences, minor incidents or offences, which don't affect the society at large or are personal in nature, stand on a different footing, so far as exercise of inherent powers under Section 482 Cr.P.C. is concerned. The High Court also is not foreclosed from examining as to whether there exists material for incorporation of such an offence or as to whether there is sufficient evidence which if proved would lead to proving the charge for the offence charged with. 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.

10. 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



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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.

11. Petitioner as well as respondent No.2 are present in person and have been identified by SI Anuj, P.S.: Timarpur. 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.

12. Petitioner and Respondent No.2 intend to put quietus to the proceedings arising out of unfortunate accident. 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.

13. 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. 183/2023 under Sections 279/337 IPC registered at P.S.: Timarpur and 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

AUGUST 21, 2024

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