



2024:DHC:6378



\$~95

* IN THE HIGH COURT OF DELHI AT NEW DELHI

%

Date of Decision: 23.08.2024

+ CRL.M.C. 6618/2024

GURVINDER SINGH

..... Petitioner

Through: Mr.S.L.Gupta, Ms.Nishu Rana and
Mr.J.N. Taneja, Advocates with
Petitioner-in-person.

versus

THE STATE NCT OF DELHI
THROUGH SHO & ORS.

.... Respondents

Through: Ms.Meenakshi Dahiya, APP for State
with Mr.Jatin Raheja, Mr.Nikhil
Malhotra, Mr.Pushkar Khatana,
Mr.Vishal Tanwar, Mr.Nitin Soni,
Mr.Ashok Hooda, Mr.Akash Khatri
and Mr.S. Nanda, Advocates with SI
Nischay, P.S. Geeta Colony.
Mr.Vijay Agnihotri, Advocate with
respondent No.2 through VC and
respondent No.3 in person.

CORAM:

HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

%

J U D G M E N TANOOP KUMAR MENDIRATTA, J (ORAL)CRL.M.A. 25262/2024

Exemption allowed, subject to just exceptions.

Application stands disposed of.

CRL.M.C. 6618/2024

1. Petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita,
2023 ('BNSS') has been preferred on behalf of the petitioner for quashing of



FIR No. 0224/2022 under Sections 279/337 IPC registered at PS: Geeta Colony and proceedings emanating therefrom. Section 338 IPC was subsequently invoked.

2. Issue notice. Learned APP for the State and learned counsel for respondent No. 2 and 3, with respondent No. 2 (through VC) and respondent No.3 (in person) appear on advance notice and accept notice.

3. In brief, as per the case of the prosecution, present FIR was registered on complaint of respondent No. 2 (Manish Kumar), who alleged that on 26.03.2022 at about 08:30 pm when he was proceeding on his motorcycle alongwith his brother Nikku Kumar (respondent No.3) who was seated on the pillion seat, the motorcycle was hit by car bearing Registration No. DL-10CC-1605, Volkswagen Polo driven by petitioner (Gurvinder Singh), who left the spot after the accident, leaving the vehicle behind.

4. Learned counsel for petitioner submits that accident occurred since respondent No.2 and 3 were coming from wrong side. He further informs that matter has been amicably settled with respondent No. 2 and 3 and they have been duly compensated with a sum of Rs. 8,000/-, apart from the compensation to be received by them in MACT proceedings initiated by respondent no. 2.

5. Learned APP for the State submits that in view of amicable settlement between the parties, she has no objection in case the FIR in question is quashed.

6. 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.

7. 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.

8. Petitioner and respondent No. 3 alongwith respondent No.2 (through VC) have been identified by SI Nischay, PS: Geeta Colony. 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 and 3, also state that nothing remains to be further adjudicated upon between the parties and they have no objection in case the FIR in question is quashed.

9. Petitioner and Respondent No.2 and 3 intend to put quietus to the proceedings arising out of unfortunate accident. The chances of conviction



2024:DHC:6378



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

Since the matter has been amicably settled between the parties and respondent No.2 and 3 have 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. 0224/2022 under Sections 279/337/338 IPC registered at PS: Geeta Colony and proceedings emanating therefrom stand quashed.

Petition is accordingly disposed of. Pending applications, if any, also stand disposed of.

A copy of this order be forwarded to learned Trial Court for information.

ANOOP KUMAR MENDIRATTA, J.

AUGUST 23, 2024/v