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

+ **CRL.M.C. 6711/2024**

ANUJ KHANDELWAL

.....Petitioner

Through: Mr. Rajat Jain, Adv. with Petitioner.

versus

STATE (GOVT. OF NCT OF DELHI) & ANR.Respondents

Through: Mr. Pradeep Gahalot, APP for State
and SI Vivek Singh, PS Sarojini
Nagar and ASI/IO Bhagat Singh.
Respondent No.2 in person.

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

27.09.2024

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1. The present petition has been filed under Section 482 Cr.P.C. seeking quashing of case FIR No. 208/2019 dated 25.10.2019 under Section 279/338 IPC registered at PS Sarojini Nagar, Delhi and the proceedings emanating therefrom.
2. Learned counsel submits that the present FIR was lodged on the statement of respondent No.2 wherein it was alleged that the petitioner was driving WagonR car bearing No. DL12CC6423 in a rash and negligent manner and at about 08:15 to 008:30 PM hit the respondent No.2 who was driving scooty bearing No. DL12SF3284.
3. It has been submitted that the charge-sheet in the present case has already been filed.
4. Learned Counsel further submits that during the pendency of the



proceedings, the parties have resolved their disputes amicably, and in furtherance thereof, they have entered into a settlement agreement dated 04.07.2024 recorded at Delhi Mediation Centre, Patiala House Courts Complex, New Delhi on the following terms and conditions:

“4. Terms of settlement:

The matter has been amicably settled between the parties in cordial atmosphere and it has been resolved as under:-

(4.1) That taking into account the injuries suffered by the injured, the respondent/driver has offered a total sum of Rs.60,000/- (Rupees Sixty Thousand Only) to the injured/complainant Sh. Sanjay Lal who has accepted the above proposal.

(4.2) That the respondent/driver has paid the settlement amount of Rs.60,000/- (Rupees Sixty Thousand Only) to the injured today i.e. on 04.07.2024 by way of Online Payment vide UPI Transaction ID No.418643691509 in full and final settlement of the present case. The same has been acknowledged as received by the injured/complainant.

(4.3) That it has been decided between the parties that Sh. Anuj Khandelwal/ respondent shall file a petition for quashing of FIR bearing FIR No.208/2019 under section 279/338 IPC PS Sarojini Nagar, New Delhi before the Hon'ble High Court, in which the complainant/injured shall co-operate with respondent. All necessary steps for quashing of FIR shall be taken by the respondent on or before 30.07.2024. Both the parties understand that it is the discretion of Hon'ble High Court whether or not to quash the FIR & all consequential proceedings.

In case the Hon'ble High Court is not pleased to grant the prayer for quashing of the present FIR, the parties have mutually agreed that the offence under section 338 IPC has been compounded and they may request the Ld. Trial Court to take a lenient view qua offence u/s 279 IPC as matter has



been mutually compounded.”

5. IO has duly identified both the parties. Respondent No.2 states that he has entered into the settlement without any fear, force or coercion. Respondent No.2 also submits that he has received the compensation from the insurance company and therefore he has no objection if the FIR No. 208/2019 dated 25.10.2019 registered at PS Sarojini Nagar, Delhi under Section 279/338 IPC is quashed.
6. The offence punishable under Section 279 of the IPC is not compoundable, however, considering the facts and circumstances of the case and in exercise of the inherent powers under Section 482 of the Code of Criminal Procedure, 1973, this Court has power to accept the compromise. Apex court in ***Gian Singh Vs. State of Punjab and Another*** (2012) 2 SCC (L&S) 998 inter-alia held that Inherent power is of wide plenitude with no statutory limitation but it has to be exercised in accord with the guideline engrafted in such power viz; (i) to secure the ends of justice or (ii) to prevent abuse of the process of any Court. In what cases power to quash the criminal proceeding or complaint or F.I.R may be exercised where the offender and victim have settled their dispute would depend on the facts and circumstances of each case and no category can be prescribed. However, before exercise of such power, the High Court must have due regard to the nature and gravity of the crime. This view has been affirmed by the Apex Court in the case of ***Narinder Singh & Ors. Vs. State of Punjab & Anr*** 2014 6 SCC 466.
7. Taking into account the totality of facts and circumstances, the case FIR No. 208/2019 dated 25.10.2019 under Section 279/338 IPC



registered at PS Sarojini Nagar, Delhi and all proceedings emanating therefrom are quashed.

8. The present petition along with pending application(s) stand disposed of.

DINESH KUMAR SHARMA, J

SEPTEMBER 27, 2024/AR/HT..