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

+ **CRL.M.C. 6767/2024**

MOHIT GOYAL

.....Petitioner

Through: Mohd. Azeem, Mr.Kailash Kumar,
Advvs. with petitioner

versus

THE STATE GOVT OF NCT OF DELHI & ANR.....Respondents

Through: Ms. Kiran Bairwa, APP for the State
with SI Kartik PS Kamla Market.
Mr. Vishal Chouhan, Mr. Harsh
Gupta, Mr.Vinay Kumar Bhaskar,
Advvs. for R-2 with R-2

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

29.08.2024

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CRL.M.A. 25819/2024(Exemption)

Exemption is allowed subject to all just exceptions.

CRL.M.C. 6767/2024

1. The present petition has been filed for quashing of FIR No. 0280/2019 dated 06.09.2019 under Section 323/354/279/427 IPC and 184/185 MV Act, registered at PS Shakarpur Delhi. The FIR was lodged on the statement of the respondent no. 2 alleging therein that the petitioner, who was drunk, hit against the car driven by her husband and subsequently man-handled her husband and herself.
2. Learned Counsel for the Petitioner submits that after investigation, the charge-sheet was filed against the petitioner, however, now



both the parties have reached on a settlement vide Memorandum of understanding/settlement agreement dated 12.08.2024 on the following terms and conditions;

“1. That it is agreed between both the parties that this agreement is binding upon them. Any agreement executed between the parties prior to the execution of this MOU would be treated as null and void. The same would not have any legal effect in any court of law.

2. That the present matter has been settled between the complainant and the accused person namely Mohit Goyal being both the parties.

3. The second party undertakes to withdraw all the claims civil or criminal, disputes, actions, complaints, FIR's and other litigation existing or pending against the first party in any jurisdiction and further help him in quashing of any pending complaint against the first party at the cost of First Party.

4. That both the parties have amicably settled their disputes between themselves.

5. That the first party on 06.08.2024 has given an unconditional written apology to the second party in presence of neighbors, relatives for his acts. Therefore, now both the parties have entirely settled their dispute without any ill will.

6. That it has been agreed between both the parties that the second party/complainant is ready to cooperate the first party/accused for quashing the above said FIR bearing no. 0280/2019 registered in P.S.Shakarpur, delhi by the Second party/complainant before the Hon'ble High Court and agreed to appear as and when required her presence before the Hon'ble court and Hon'ble High Court of Delhi. It is further agreed that second party will bear all the cost for quashing of the FIR.



7. The first party in future would not cause any harm to the second party and its family members and the first party shall be liable for any harm that might be caused to the second party or its family members from his end.

8. That both the parties also agree that it is in the interests of both the parties that the dispute is mutually and amicably settled between themselves. The parties to this agreement undertake to not initiate any legal proceedings against the parties himself or against any family member of the first party in any Court of law pertaining to the dispute.

9. That both the parties have settled our dispute with our free will, consent and amicably and without any pressure/undue influence and any type of consideration . It is further undertakes by both the parties that none of the parties shall file any complaint / suit in future against each other.”

3. In ***Narinder Singh & Ors. v. State of Punjab &Anr.***, (2014) 6 SCC 466, the Hon’ble Supreme Court laid down guidelines for the High Court when considering the quashing of criminal proceedings under Section 482 of the Code of Criminal Procedure. The Hon’ble Court emphasized that this power should be used sparingly, especially in cases where the offences are serious or heinous, such as murder, rape, or corruption, which have a significant societal impact. However, in cases with a predominantly civil character, particularly those involving commercial transactions or family disputes, quashing may be appropriate when the parties have resolved their disputes. The High Court should assess whether the continuation of the case would likely lead to conviction or if it would cause undue hardship and injustice to the accused. Ultimately, the decision to quash



should be guided by the need to secure justice and prevent the abuse of the court's process.

4. Respondent no. 2 states that since the petitioner has apologised her for the incident, he may be pardoned. Respondent No.2 has forgiven the petitioner and does not want to continue the present FIR.
5. Both parties are present in court and have duly been identified by the IO. Respondent No. 2 submits that she has entered the settlement voluntarily without any fear, force, or coercion and she has no objection if FIR No. 0280/2019 dated 06.09.2019 under Section 323/354/279/427 IPC and 184/185 MV Act, registered at PS Shakarpur Delhi and all the other proceedings emanating therefrom are quashed.
6. Taking into account the totality of the facts and circumstances of the case, this court considers that the parties have entered into an amicable settlement of their own free will, without any fear, force, or coercion, and they should be given an opportunity to lead their lives peacefully. Continuing with the trial would serve no purpose.
7. I consider that since the petitioner is in the medical profession and has rendered an unconditional apology, stating that such conduct shall not be repeated in the future, the jurisdiction of the High Court to quash an FIR under Section 482 Cr. PC is an inherent power used to prevent abuse of the legal process and secure the ends of justice. Thus, FIR No. 0280/2019 dated 06.09.2019, under Sections 323/354/279/427 IPC and 184/185 MV Act, registered at PS Shakarpur, Delhi, all the other proceedings emanating



therefrom are quashed, subject to the petitioner planting 50 trees of 3 feet height within the complex of Safdarjung Hospital.

8. The Director of Safdarjung Hospital shall ensure that the petitioner plants 50 trees of 3 feet in height within the complex of Safdarjung Hospital within four weeks. Copy of order be sent to Director, Safdurjung Hospital, Delhi.
9. Let the compliance report be filed.
10. The present petition along with pending application stands disposed of.

DINESH KUMAR SHARMA, J

AUGUST 29, 2024

Pallavi/NA