



2024:DHC:6547



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* IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision: 29.08.2024

+ W.P.(CRL) 2622/2024

RAMESH CHANDER MEENA

.....Petitioner

Through: Mr. Mohit Mathur, Sr. Advocate with Mr. Piyush Gupta, Mr. Prateek Gupta, Ms. Urvashi Gupta, Mr. Priyak Gupta, Mr. Anurag Gupta, Ms. Tanya Gupta, Ms. Lata Gupta, Mr. Harsh Gautam, Ms. Akansha Mehrotra, Ms. Alisha Ahuja, Mr. Daljeet Dabas and Mr. Ashutosh Chandolia, Advocates with Petitioner-in-person.

versus

THE STATE NCT OF DELHI & ANR.

.....Respondents

Through: Mr. Amol Sinha, ASC with Mr. Kshitiz Garg, Mr. Ashvini Kumar and Ms. Chavi Lazarus, Advocates with SI Yogesh Poonia, PS: Karol Bagh. Mr. Kunal Malhotra, Mr. Ravinder Gaur, Mr. Gaurav Shukla, Mr. Joginder Singh, Mr. Rahul Chaprana, Mr. Keshav, Ms. Medha Sarin, Ms. Megha Sawami and Mr. Manish Ikkania, Advocates for R-2 with Respondent No. 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. 25679/2024**

Exemption allowed, subject to just exceptions.



Application stands disposed of.

W.P.(CRL) 2622/2024

1. Writ petition under Article 226 of the Constitution of India read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ('BNSS') has been preferred on behalf of the petitioner for quashing of FIR No. 644/2024, under Sections 281/125(a)/324(4) of Bharatiya Nyaya Sanhita, 2023 (BNS), registered at PS: Karol Bagh and proceedings emanating therefrom.
2. Issue notice. Learned ASC for the State and learned counsel for respondent No. 2 along with respondent No. 2 in person appear on advance notice and accept notice.
3. In brief, as per the case of prosecution, FIR was registered on 04.08.2024, on complaint of respondent no. 2, who alleged that he works in Rapido as a bike rider and on 04.08.2024 at about 02:00 AM, his bike was hit by a car driven by petitioner, resulting in injuries on his person. Subsequently, he regained consciousness in the hospital.
4. Mr.Mohit Mathur, learned Senior Advocate for the petitioner submits that accident was unintentional and merely abrasion and minor injuries were suffered by respondent No. 2. Further respondent No.2 was discharged on the same day from the hospital. He further submits that the matter has been amicably settled between the parties in terms of Memorandum of Settlement dated 23.08.2024 and a sum of Rs. 1,25,000/- has been paid by the petitioner to respondent No. 2, as compensation towards damage to the bike as well as expenses for treatment.
5. Respondent no. 2, who is present in person along with counsel, submits that he has received the compensation amount of Rs. 1,25,000/- and in view of amicable settlement between the parties, he has no grievance in



this regard. He further submits that accident appears to be unintentional and he has no objection for quashing of FIR.

6. 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.

7. 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.

8. 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.

9. Petitioner as well as respondent No. 2 are present in person and have been identified by SI Yogesh Poonia, PS: Karol Bagh. 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 he has no objection in case the FIR in question is quashed.

10. Petitioner and Respondent No.2 intend to put quietus to the proceedings arising out of an unintentional 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.

11. 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. 644/2024, under Sections 281/125(a)/324(4) of Bharatiya Nyaya Sanhita, 2023 (BNS), registered at PS: Karol Bagh 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 29, 2024/R