



2024:DHC:6712



\$~70

* IN THE HIGH COURT OF DELHI AT NEW DELHI

%

Date of Decision: 03.09.2024

+ CRL.M.C. 6886/2024

PARTH DUA

.....Petitioner

Through: Mr. Deepak Sharma, Adv. alongwith
petitioner in person.

versus

STATE NCT OF DELHI AND ANR

.....Respondents

Through: Ms. Manjeet Arya, APP for the State
with SI Satyawan, Jharoda Kalan.
Mr. Gautam Arora, Advocate for R-2
alongwith R-2 in person.

CORAM:

HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

%

J U D G M E N T**ANOOP KUMAR MENDIRATTA, J (ORAL)****CRL.M.A. 26325/2024**

Exemption allowed, subject to just exceptions.

Application stands disposed of.

CRL.M.C. 6886/2024

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. 465/2019 under Sections 279/338 IPC registered at P.S.: Moti Nagar and proceedings emanating therefrom.
2. Issue notice. Learned APP for the State and learned counsel for respondent No.2 alongwith respondent no. 2 in person appear on advance notice and accept notice.
3. In brief, as per the case of prosecution, present FIR was registered on



complaint of respondent no. 2 who alleged that on 19.10.2019, when he was crossing the road, he was hit by car bearing no. DL 2CAY 1337 Skoda being driven by petitioner and as a result, he fell and sustained injuries. Thereupon, driver of the car (petitioner) stopped the car and took respondent no 2 in his car to B L Kapoor Hospital for his treatment.

4. Learned counsel for petitioner submits that accident was unintentional and disputes have been amicably settled between the parties in terms of Settlement dated 14.08.2024 arrived at Delhi Mediation Centre, Tis Hazari Courts, Delhi. Apart from compensation amount of Rs. 5,73,945/- awarded by MACT to respondent no. 2, a sum of Rs. 50,000/- is stated to have been paid by the petitioner to respondent No. 2.

5. Respondent no. 2 submits that he has duly received the compensation amount of Rs. 5,73,945/- awarded by MACT alongwith a sum of Rs. 50,000/- paid by petitioner and in view of amicable settlement between the parties, he has no grievance in this regard.

6. Learned APP 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 Satyawan, P.S.: Jharoda Kalan. 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. Petitioner further took respondent no. 2 to hospital after the 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.



2024:DHC:6712



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. 465/2019 under Sections 279/338 IPC registered at P.S.: Moti Nagar 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

SEPTEMBER 03, 2024

p