



2024:DHC:6850



\$~81

* IN THE HIGH COURT OF DELHI AT NEW DELHI

%

Date of Decision: 06.09.2024

+ W.P.(CRL) 2752/2024

SONU

.....Petitioner

Through: Mr. Vikrant Arora and Mr. Deepak
Arora Advocates with petitioner in
person (through VC).

versus

THE STATE NCT OF DELHI AND ANR.

.....Respondents

Through: Mr. Yasir Rauf Ansari, ASC with
Mr. Alok Sharma and Mr. Vasu
Agarwal, Advocates with Inspector
Yakub Khan and ASI Yad Ram,
PS: New Delhi Railway Station.
Respondent No. 2 (through VC)

CORAM:

HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

%

J U D G M E N T**ANOOP KUMAR MENDIRATTA, J (ORAL)**

1. Writ petition Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973 ('Cr.P.C.') has been preferred on behalf of the petitioner for quashing of FIR No. 0078/2022, under Sections 279/337 IPC, registered at P.S.: New Delhi Railway Station and proceedings emanating therefrom. Chargesheet has been filed under Sections 279/338 IPC.

2. Issue notice. Learned ASC for the State and learned counsel for respondent No. 2 along with respondent No. 2 (through VC) appear on advance notice and accept notice.



2024:DHC:6850



3. In brief, as per the case of prosecution, present FIR was registered on 01.09.2022, on complaint of respondent no. 2, who alleged that on 31.08.2022, while he was entering the New Delhi Railway Station his foot was run over by white Scorpio car bearing No. HR 16 T 4897 driven by the petitioner.

4. Learned counsel for petitioner submits that due help was immediately extended to respondent no. 2 as he was got admitted by the petitioner at the hospital. He further submits that offence under Section 338 IPC has been compounded and matter has been amicably settled with respondent No. 2, who has also received a sum of Rs. 1,60,000/- in an award passed by MACT.

5. Learned ASC for the State that in view of amicable settlement between the parties, he 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 the Code of Criminal Procedure. The same is to be used to secure the ends of justice or to prevent the abuse of process of 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 generalized 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 appropriately quashed despite settlement. However, distinguished from



2024:DHC:6850



serious offences, the offences which have predominant element of civil dispute or offences involving minor incidents, where the complainant / victim also stands compensated for loss, if any, 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. 2 (through VC) have been identified by Inspector Yakub Khan, PS: New Delhi Railway Station. 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 submits that since all the disputes between the parties have been amicably settled, nothing remains to be further adjudicated upon and he has no objection, in case the FIR in question is quashed.

9. Petitioner and respondent No. 2 intend to put quietus to the proceedings arising out of unfortunate 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.

Since the matter has been amicably settled between the parties and respondent No. 2 has been duly compensated, no useful purpose shall be served by keeping the case pending. Continuation of proceedings would be



2024:DHC:6850



nothing but an abuse of the process of Court. Considering the facts and circumstances, since the matter has been amicably settled between the parties, FIR No. 078/2022, under Sections 279/338 IPC, registered at P.S.: New Delhi Railway Station and proceedings emanating therefrom stand quashed.

10. In the facts and circumstances, instead of imposing the costs upon the petitioner, he is directed to plant 25 saplings of Jamun trees, which are upto 03 feet in height in the area of P.S.: Yamuna Bank after getting in touch with the competent authority (i.e. Horticulture Department of MCD / DDA / Conservator of Forests, Department of Forests & Wildlife, Govt. of NCT of Delhi) through IO / SHO, P.S.: Yamuna Bank. The photographs of planted saplings alongwith report of IO / SHO concerned shall be forwarded to this Court within eight weeks. Further, the upkeep of the saplings/trees shall be undertaken by the authorities concerned. In case of non compliance of directions for planting of neem trees, the petitioner shall be liable to deposit cost of Rs. 25,000/- with the Delhi State Legal Services Authority.

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

ANOOP KUMAR MENDIRATTA, J.

SEPTEMBER 06, 2024/R