



2024:DHC:6958



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* IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision: 10.09.2024

+ CRL.M.C. 7167/2024

CT. AMIT @ AMIT KUMAR

.....Petitioner

Through: Mr. Saurabh, Adv.

versus

GOVT OF NCT OF DELHI THE SHO AND ANR.Respondents

Through: Ms. Meenakshi Dahiya, APP with Ms. Neha, Mr. Chaitanya Matur, Mr. Rajan Chander, Mr. Vivek Tyagi, Mr. Pradeep Bala Gopal, Mr. Aditya Kumar and Mr. R. K. Tiwari, Advs. and with SI Sanjeev and SI Mamta, P.S.: Uttam Nagar.
R-2 (through VC).

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. 27361/2024**

Exemption allowed, subject to just exceptions.

Application stands disposed of.

CRL.M.C. 7167/2024

1. Petition under Section 482 of the Code of Criminal Procedure, 1973 ('Cr.P.C.') read with Article 227 of the Constitution of India has been preferred on behalf of the petitioner for quashing of FIR No. 374/2021, under Sections 279/337 IPC, registered at P.S.: Sec-23 Dwarka, Delhi and proceedings emanating therefrom.



2. Issue notice. Learned APP for the State and respondent No. 2 (through VC) appear on advance notice and accept notice.
3. In brief, as per the case of prosecution, present FIR was registered on 03.09.2021, on complaint of Vinod Kumar, respondent no. 2, who alleged that on 02.09.2021, his motorcycle was hit by a car driven by the petitioner at Dhulsiras Chowk, resulting in injuries on his person.
4. Learned counsel for petitioner points out that accident at crossing was unintentional and petitioner was not at fault. He further points out that offence under Section 338 IPC has been compounded before the learned Trial Court and matter has been amicably settled with respondent No. 2, who has been duly compensated by petitioner with sum of Rs. 1,10,000/-
5. Learned APP for the State submits that in view of amicable settlement between the parties, she 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



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 SI Sanjeev, PS: Uttam Nagar. 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 (through VC) submits that since all the disputes between the parties have been amicably settled and he has received a sum of Rs. 1,10,000/-, 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 an 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. 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 nothing but an abuse of



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the process of Court. Considering the facts and circumstances, since the matter has been amicably settled between the parties, FIR No. 374/2021, under Sections 279/337 IPC, registered at P.S.: Sec-23 Dwarka, Delhi and proceedings emanating therefrom stand quashed.

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

ANOOP KUMAR MENDIRATTA, J.

SEPTEMBER 10, 2024

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