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

+ **CRL.M.C. 7438/2024, CRL.M.A. 28412/2024**

SHAMSHER

.....Petitioner

Through: Mr. K.S. Rekhi, Mr. Pawas
Kulshrestha and Mr. Parv Garg,
Advocates

versus

THE STATE NCT OF DELHI AND ANR

.....Respondents

Through: Ms. Kiran Bairwa, APP for the State
with SI Sonu Kumar, P.S. Okhla
Industrial Area.
Mr. Ramesh Kumar, Advocate for R-
2 along with R-2.

CORAM:

HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

ORDER

04.10.2024

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1. The instant petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 has been filed on behalf of petitioner seeking quashing of FIR bearing No. 0417/2021, registered at Police Station Okhla Industrial Area Phase-1, New Delhi for offences punishable under Sections 279/337 of the Indian Penal Code, 1860 ('IPC') and all consequential proceedings emanating therefrom.
2. Issue notice. Ms. Kiran Bairwa, learned APP accepts notice on behalf of the State.
3. Petitioner is present before this Court and has been identified by his counsel Mr. K.S. Rekhi and Investigating Officer (IO) SI Sonu Kumar,



Police Station Okhla Industria Area Phase-1, New Delhi.

4. Brief facts of the present case are that on 12.05.2021, an accident had taken place on service lane, underpass road Okhla Phase-II while going towards AIIMS Hospital, wherein the respondent no. 2 had got injured. On the statement of respondent no. 2, the present FIR was registered against the petitioner, for the offences punishable under Sections 279/337 of IPC. On 19.10.2022, the chargesheet in this case was filed before the concerned Court. On 22.08.2023, the charges were framed before the learned Trial Court. On 09.04.2024, the case was listed before learned Trial Court for Prosecution Evidence. It is stated that during the course of proceedings, both the parties have amicably settled their case *vide* order dated 09.04.2023 and as per settlement, the petitioner was to pay Rs. 15,000/- to respondent no. 2.

5. The complainant/respondent no. 2, who is injured, is also present today. On the last date of hearing, the matter was adjourned since the complainant was not available.

6. On a query made by this Court, respondent no. 2, who has been identified by the IO, has categorically stated that he has entered into compromise out of his own free will and without any pressure, coercion or threat. It is also stated by respondent no. 2 that the entire dispute has been amicably settled between them. Respondent no. 2 further states that he has received an amount of Rs. 15,000/- today as per settlement, and has no objection if FIR is quashed.

7. In view of the above fact, that the parties have amicably resolved their differences of their own free will, and without any coercion, no useful purpose will be served by continuing the proceedings, rather the same would create further acrimony between them. It would thus be in interest of justice



to quash the abovementioned FIR and the proceedings pursuant thereto. There is no legal impediment in quashing the FIR in question.

8. Accordingly, FIR bearing No. 0417/2021, registered at Police Station Okhla Industria Area Phase-1, New Delhi for offences punishable under Sections 279/337 of IPC and all consequential proceedings emanating therefrom are quashed.

9. The petition along with pending application stands disposed of.

10. The order be uploaded on the website forthwith.

SWARANA KANTA SHARMA, J

OCTOBER 4, 2024/zp

Click here to check corrigendum, if any