



2024:DHC:7377



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* IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision: 24.09.2024

+ W.P.(CRL) 2960/2024

M/S UNIVERSAL CYLINDERS LTD. & ANR.Petitioners

Through: Mr. Siddharth Yadav and Mr. Akshay
Pundir, Advs. for P-1 alongwith
Authrised Representative Blessan Jose
in person and P-2 in person.

versus

STATE (NCT OF DELHI) & ANR.

.....Respondents

Through: Mr. Anand V. Khatri, ASC for the
State with SI Antriksh Rathi, P.S.:
Sarita Vihar.
Mr. Mahindra Pratap Singh, Adv.
alongwith R-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. 28889/2024**

Exemption allowed, subject to just exceptions.

Application stands disposed of.

W.P.(CRL) 2960/2024

1. Writ petition Articles 226/227 of the Constitution of India read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ('BNSS') has been preferred on behalf of the petitioners for quashing of FIR No. 346/2020, under Sections 279/337/338 IPC, registered at P.S.: Sarita Vihar and proceedings emanating therefrom.

2. Issue notice. Learned ASC for the State and learned counsel for



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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, present FIR was registered on 08.09.2020, on complaint of respondent No. 2, who alleged that on 26.08.2019, while he was proceeding from his house towards Holi Family Hospital, New Delhi, on his motorcycle bearing No. HR-51BW-7699, a car bearing No. DL-6CR-2727 driven by the petitioner no. 2 hit his motorcycle resulting in injuries on his person and to his wife Pushpa.

4. Learned counsel for petitioners submits that accident was unintentional and the petitioner No. 2 was not completely at fault. He further submits that there has been delay in registration of FIR since incident had occurred on 27.08.2019 but the FIR was registered on 08.09.2019 as there were talks of settlement between parties. He emphasizes that petitioner No. 2 was merely aged about 19 years at the relevant time and has clean past antecedents. He informs that M/s Universal Cylinders Ltd has been arrayed as petitioner no. 1 since vehicle is registered in the name of the company.

5. The disputes have been amicably settled between the parties in terms of Settlement Agreement dated 12.09.2024 and an amount of Rs. 50,000/- in cash has been paid today to respondent No. 2 by the petitioner.

6. Respondent no. 2 who is present in person alongwith his wife submit that he has duly received a sum of Rs. 50,000/- paid by petitioner and in view of amicable settlement between the parties, they have no grievance in this regard.

7. Learned ASC for the State submits that in view of amicable settlement between the parties, he has no objection in case the FIR in question is quashed.



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8. Petitioner in the present case seeks to invoke the powers under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023. 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.

9. 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 528 BNSS 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.

10. Petitioner No. 2 and respondent No. 2 along with his wife are present in person and have been identified by SI Antriksh Rathi, P.S.: Sarita Vihar. I have interacted with the parties and they confirm that the matter has been



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amicably settled between them without any threat, pressure or coercion. Respondent No. 2 along with his wife submit that since all the disputes between the parties have been amicably settled, nothing remains to be further adjudicated upon and they have no objection, in case the FIR in question is quashed.

11. Petitioner No. 2 and respondent No. 2 along with his wife 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. 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 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. 346/2020, under Sections 279/337/338 IPC, registered at P.S.: Sarita Vihar and proceedings emanating therefrom stand quashed.

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

ANOOP KUMAR MENDIRATTA, J.

SEPTEMBER 24, 2024

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