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

+ **CRL.M.C. 7613/2024**

MUKESH BHARGAV

.....Petitioner

Through: Mr. Faiz Imam, Adv.

versus

STATE OF N.C.T. OF DELHI AND ANOTHERRespondents

Through: Ms. Kiran Bairwa, APP for the State
with SI Sandeep Singh, PS Ghazipur

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

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25.09.2024

CRL.M.A. 29047/2024(exemption)

Exemption is allowed subject to all just exceptions.

CRL.M.C. 7613/2024

1. The present petition has been filed seeking quashing of FIR No.1152/2015 registered at PS Ghazipur under Sections 279/337 IPC.
2. In the FIR, it is alleged that that on 20.12.2015 while Tejnarayan/complainant was going along with his colleagues in Vehicle No.DL-1LV-3313 loaded with the Cement bags and reached NH-24 Ghazipur Toll Tax someone informed him that one person is hanging at the back of the your vehicle, the driver of vehicle DL-1LV-3313 stopped the vehicle to see it, in the meanwhile that person jumped and ran away. Furthermore, the petitioner while driving vehicle No. UP-174BV-3335 BMW came from the side and was allegedly driving the vehicle in a rash and negligent manner, hit



against that person. Initially, the FIR was lodged under Section 279/337 IPC and later chargesheet was filed under Section 279/304A IPC and 185 of MV Act.

3. However, learned counsel for the petitioner submits that now the parties have entered into a settlement vide settlement agreement dated 06.09.2024.
4. The parties have entered into an agreement dated 06.09.2024 with following terms and conditions;

1. That it is agreed by both the parties that the deceased Sh. Lal Mohar Yadav died due to the rash and negligent driving of the First Party (driver of the BMW car- UP14BV3335) on dated 20.12.2015 at NH 24 Service Road near Toll Tax Ghazipur, Delhi at 19:45 pm and in relation to the same, FIR No. 1152/2015 U/s 279 & 337 IPC was registered in Ghazipur Police Station at 23:10 hrs. against the First Party.

2. That in relation to the same, MACT matter (Case No. 546/2016 titled "Domni Devi V. Mukesh Bhargav") was filed in the Hon'ble Court of District and Sessions Judge (P.O. MACT) at Karkardooma Court on dated 11.04.2016 as well as a Criminal Case (Case No. 796/2017 titled "State V. Mukesh Bhargav") was filed in the Hon'ble Court of Chief Metropolitan Magistrate (JMFC) at Karkardooma Court on dated 23.02.2017 respectively on behalf of the Second Party (Domni Devi), wife of the deceased Sh. Lal Mohar Yadav.

3. That with respect to the above-mentioned MACT matter (Case No. 546/2016 titled "Domni Devi V. Mukesh Bhargav") vide Order dated 23.07.2016, a settlement amount of Rs. 16,00,000/- (Rupees Sixteen Lakhs Only) was awarded to the Second Party (Domni Devi, W/o Deceased Sh. Lal Mohar Yadav) from the Hon'ble Court of District and Sessions Judge (P.O. MACT) at Karkardooma Court.

4. That both the parties have decided to enter into a settlement



agreement in relation to the above-mentioned Criminal Case (Case No. 796/2017 titled "State V. Mukesh Bhargav") filed at Karkardooma Court (P.S. Ghazipur) vide Order dated 19.07.2024 wherein the First Party i.e. Mr. Mukesh Bhargav has agreed to handover a settlement amount of Rs. 1,00,000/- (Rupees One Lakh Only) to Smt. Domni Devi (Second Party).

5. It is agreed by both the parties that the First Party shall handover the settlement amount of Rs. 1,00,000/- (Rupees One Lakh Only) to the Second Party and the charges mentioned in the FIR No. 1152/2015 (P.S. Ghazipur) registered against the First Party shall be waived off once the settlement amount has been received by the Second Party i.e. Smt. Domni Devi.

6.

It is agreed by both the parties that the First Party will approach the Hon'ble Delhi High Court seeking "Quashing of FIR No. 1152/2015" registered U/s 279 & 337 of IPC, 1860, P.S. Ghazipur. The aforesaid amount of Rs. 1,00,000/- (Rupees One Lakh Only) will be handed over to the Second Party before the disposal of the "Quashing of FIR" petition or on the date of the final order.

7. It is agreed by the Second Party that on receipt of the aforesaid amount of Rs. 1,00,000/- (Rupees One Lakh Only) the Second Party shall not make any claims whatsoever in future. So also, the Second Party shall give a receipt for the amount she receives as part of this settlement from the First Party.

8. Both the parties agree that they will not file any other cases against the other under any provisions of law since the matter has been amicably settled forever.

9. AND WHEREAS the parties agree to submit their disputes to an amicable settlement in accordance with the rule of law.

If any of the parties violates any of the conditions mentioned in the agreement, the violating party will be liable to compensate to the other party.



The First and the Second Party are hereby ready for amicable settlement for the dispute with free consent.

5. Both parties are present in court today and have been duly identified by the IO. Respondent no. 2 states that she has received the entire settlement amount and also submits that she has entered into a settlement out of her own free will, without any threat force or coercion.
6. It is settled that the inherent powers under section 482 of the Code are required to be exercised to secure the ends of justice or to prevent abuse of the process of any court. Further, the High Court can quash non- compoundable offences after considering the nature of the offence and the amicable settlement between the concerned parties. In the case of ***The State of Madhya Pradesh v. Laxmi Narayan & Ors.*** AIR 2019 SC 1296, the Supreme Court inter alia held that the powers under Section 482 Cr.P.C. should be exercised sparingly and with caution, to secure ends of justice and to prevent the abuse of process of court.
7. Furthermore, in ***Jaspriya Bhasin v. State of NCT of Delhi and Ors.*** CRL.M.C.6402/2019, this court was pleased to quash the FIR and all other proceedings emanating therefrom based on similar facts as of the present case.
8. Taking into account the totality of facts and circumstances of the case, this court considers that the parties have entered into an amicable settlement out of their own free will, without any fear, force or



coercion and they should be given an opportunity to lead their lives peacefully. No purpose will be served in continuing with the trial.

9. In view of the above, FIR No.1152/2015 registered at PS Ghazipur under Sections 279/337 IPC and all other proceedings emanating therefrom and hereby quashed.

DINESH KUMAR SHARMA, J

SEPTEMBER 25, 2024

Pallavi/KR