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* IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision: 04.10.2024

+ CRL.M.C. 7820/2024
SHIVAM GUPTA

.....Petitioner

Through: Mr. Mayank Gupta and Ms. Srishti Jain, Advs. alongwith petitioner in person.

versus

STATE OF NCT OF DELHI AND ANR.

.....Respondents

Through: Mr. Satinder Singh Bawa, APP with SI Gaurav, PS Paschim Vihar.
Mr. Anurag Singh Tomar, Adv. for R-2 along with 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. 29840/2024

Exemption allowed, subject to just exceptions.

Application stands disposed of.

CRL.M.C. 7820/2024

1. Petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ('BNSS') has been preferred on behalf of petitioner for quashing of FIR No. 250/2020, under Sections 279/337 IPC, registered at P.S.: Paschim Vihar and proceedings emanating therefrom. Chargesheet has been filed under Sections 279/338 IPC.



2. Issue notice. Learned APP for the State and learned counsel for respondent no. 2 alongwith 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 complaint of respondent No. 2, who alleged that on 12.04.2020, a car bearing No. DL-10CM-9207 driven by the petitioner hit his motorcycle from behind, resulting in injuries on his right foot.

4. Learned counsel for petitioner submits that accident was unintentional and petitioner was not at fault. The disputes are further stated to have been amicably settled between the parties in terms of Settlement Agreement dated 17.07.2023 arrived at Delhi Mediation Centre, Tis Hazari Courts, Delhi whereby respondent no. 2 has been paid a sum of Rs.40,000/-.

5. Learned APP 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.

6. 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.



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 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.

8. Petitioner in person and respondent No. 2 (through VC) have been identified by SI Gaurav, P.S.: Paschim Vihar. 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. 40,000/-, 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 unintentional accident. The chances of conviction are bleak in view of amicable settlement between the parties. The



settlement shall further promote harmony between the parties. Also, 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.250/2020, under Sections 279/337/338 IPC, registered at P.S.: Paschim Vihar and proceedings emanating therefrom stand quashed.

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

A copy of this order be forwarded to learned Trial Court for information.

ANOOP KUMAR MENDIRATTA, J.

OCTOBER 04, 2024

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