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

+ **W.P.(CRL) 3088/2024**

KARTIK YADAV

.....Petitioner

Through: **Mr. Deepak Singh Thakur, Ms.
Bhavna Sharma, Advs.**

versus

STATE OF NCT DELHI & ANR.

.....Respondent

Through: **Mr. Rahul Tyagi, ASC with Mr.
Sangeet Sibou, Ms. Priya Rai, Mr.
Anikate, Advs.
SI Raghubir Prasad, PS Khyala**

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

% **19.11.2024**

1. This is a petition under section 528 of BNSS seeking quashing of F.I.R No. 0461/2024 dated 28.07.2024 under Section 110/3(5) of BNS Act at PS Khyala, Delhi and consequential proceedings therefrom.
2. As per the F.I.R., the petitioner's car met with an accident with respondent no. 2 and thereafter the petitioner gave physical beatings with stick (danda) to respondent No. 2. Hence, the respondent no. 2 suffered injuries.
3. During the pendency of the proceedings, the parties have arrived at a settlement dated 14.08.2024 wherein the petitioner has agreed to pay Rs. 2.5 lakhs to the respondent No. 2 and respondent No. 2 has agreed to settle all his disputes with the petitioner, including quashing of F.I.R.
4. The respondent no. 2 is present in Court and identified by IO SI Raghubir Prasad, PS Khyala and the petitioner is present in court and identified by Mr. Thakur, learned counsel.
5. Both the parties state that they have entered into the settlement out of



their own will, volition and without any threat, force or coercion.

6. Even though the offence is under 307 of IPC, a coordinate bench of this Court in *Crl. M.C. 111/2016* titled as “*Dina Nath Prasad & Ors. vs. The State & Anr.*” quashed the FIR in similar circumstances while relying on “*Gian Singh Vs. State of Punjab and Another*” (2012) 2 SCC (L&S) 998 and “*Narinder Singh & Ors. Vs. State of Punjab & Anr*” 2014 6 SCC 466. The relevant paras of *Dina Nath Prasad* (supra) reads as under:

“7. Both the parties who are present in the Court today, approbate the aforesaid settlement dated 21.12.2015 and undertake to remain bound by the same.

8. As discussed above, offence punishable under Section 307 of the IPC and Section 27 Arms Act are not compoundable being of serious nature, however, if the Court feels that continuation of criminal proceedings will be an exercise in futility and justice in this case demands that the dispute between the parties is put to an end and peace is restored, it can order for quashing of the FIR or criminal proceedings as it is the duty of the Court to prevent continuation of unnecessary judicial process.

9. In view of the law discussed above, considering the settlement arrived at between the parties and the statements of respondent Nos.1 & 2, I am of the considered opinion that this matter deserves to be given a quietus as continuance of proceedings arising out of the FIR in question would be an exercise in futility.”

7. In view of the above facts and circumstances and since the parties have arrived at a settlement and no disputes are pending, it is felt that no useful purpose would be served in prosecuting the F.I.R No. 0461/2024 dated 28.07.2024 under Section 110/3(5) of BNS Act at PS Khyala, Delhi.

8. I am of the view that quashing of such proceedings on account of compromise would bring about peace and would secure ends of justice.

9. Mr. Thakur, learned counsel states that in addition to the amount paid,



the petitioner shall also pay another sum of Rs. 75,000/- by way of a Demand Draft to respondent No. 2 and deposit another sum of Rs. 50,000/- with the DHCLSC within 4 weeks from today.

10. Subject to the above, the petition is allowed and F.I.R No. 0461/2024 dated 28.07.2024 under Section 110/3(5) of BNS Act at PS Khyala, Delhi is quashed.

11. The proof of payment shall be filed, failing which file will be put up.

JASMEET SINGH, J

NOVEMBER 19, 2024/sp

Click here to check corrigendum, if any