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

+ **CRL.M.C. 2123/2024, CRL.M.A. 8238/2024**

BABIKA GOEL

.....Petitioner

Through: Mr. Bhavya Manchanda, Adv. with
petitioner.

versus

STATE OF NCT OF DELHI & ANR.

.....Respondents

Through: Mr. Satish Kumar, APP for the State
with SI Raj Dev, PS CR Park
Mr. Prashant Kumar Mishra, Adv. for
R-2 with R-2 in person.

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

05.09.2024

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1. The present petition has been filed seeking quashing of FIR No. 35/2017 registered at PS CR Park, District South East, Delhi under Sections 279/338 IPC.
2. The FIR was lodged on the statement of respondent No.2 alleging therein that while he was travelling in on his motorcycle bearing no. UP-60R 3264 was hit by a vehicle bearing no. DL3C AE 4980 being driven by the petitioner in rash and negligent manner. After the completion of investigation, the charge sheet was filed. However, subsequently, the parties have entered into the settlement arrived at Meditation Centre, Saket Courts, New Delhi dated 18.08.2023.
3. I gave gone through the terms and conditions of the settlement dated 18.08.2023 which reads as follows;
 1. *It is agreed between the parties that the accused/driver of the*



offending vehicle shall pay total amount of Rs. 2,00,000/- (Rupees Two Lakh only) to the complainant towards full and final settlement amount in respect of all the dues and disputes arising out of present FIR.

2. It is agreed between both the parties that the above-mentioned settled amount of Rs. 2,00,000/- shall be paid by the accused/driver of the offending vehicle to the first party in two installments. The first installment would be of Rs. 1,00,000/-, payable by 26.08.2023 and the second installment would be of Rs. 1,00,000/-, shall be paid by the accused to the complainant at the time of quashing of present FIR, by way of DD/NEFT or through any other electronic mode.

3. It is agreed between the parties that in pursuance to this settlement, both the parties shall make necessary statements before the concerned court in the present matter, whereafter Ld. concerned court may pass appropriate order, as per law.

4. It is further agreed between the parties the accused person, namely, Babika Goel, shall move for quashment petition u/s 482 Cr.P.C. for quashing of the present FIR bearing no. 35/2017 before Hon'ble High Court of Delhi within 20 days post signing of the present settlement and complainant, namely. Prashant Kumar Mishra shall fully co-operate for quashing of the present FIR as well as all the proceedings emanating therefrom. The Complainant shall sign his affidavit of no objection, appear and do whatever required in order to get present FIR quashed as well as all the proceedings emanating therefrom before the Hon'ble High Court. The litigation expenses shall be borne by the accused person. Further, the complainant has agreed to even otherwise co-operate with the accused person in all manner before the trial court as well as before the Hon'ble High Court.

5. That, the complainant upon receipt of full and final payment of settled amount, as above, shall be left with no rights or claims against the driver/accused of the offending vehicle with respect to present matter and they shall not file any case (civil or criminal)/complaint regarding the present matter.

This settlement has been voluntarily arrived at between the parties with their own free will and without any force, pressure or



coercion and both the parties are bound by the terms and conditions mentioned herein above.

4. Both the parties are present in court and have been dully identified by the IO.
5. Today, a demand draft bearing DD no. 179977 dated 29.07.2024 drawn on HDFC Bank in the sum of Rs.1,00,000/- is handed over to the respondent No.2 by the petitioner and submits that he has received the entire payment as per the settlement and also states that he has no grievance against the petitioner. It has also been submitted that in the MACT case also, the respondent has been awarded a compensation around Rs.3.5 lakhs.
6. The quashing of FIR should be an exception rather than an ordinary rule. The power of quashing should be exercised sparingly in accordance with facts and circumstances of each case. In ***Jaswant Singh vs. State of Punjab and another***; 2021 SCC Online SC 1007, the Apex Court has inter alia held that the power under Section 482 Cr.P.C.is to be exercised to prevent the abuse of process of any Court and also to secure the ends of justice. Time and again, the apex court has laid emphasis that inherent powers should be exercised in a given and deserving case where the Court is satisfied that exercise of such power would either prevent abuse of such power or such exercise would result in securing the ends of justice.
7. In the present case, the parties have settled all the disputes amicably and voluntarily without any fear, force or coercion, therefore, in the interest of justice it would be better to put a quietus to the dispute.



The chances of conviction would also be bleak and remote, given that the parties do not wish to pursue the present complaint on account of the settlement. I do not see any reason to reject the settlement.

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. 35/2017 registered at PS CR Park, District South East, Delhi under Sections 279/338 IPC and all the other proceedings emanating therefrom are quashed.
10. The present petition along with all the pending applications stands disposed of.

DINESH KUMAR SHARMA, J

SEPTEMBER 5, 2024

Pallavi/HT