



2024:DHC:8458



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

% **Date of order: 5th November, 2024**

+ **W.P.(CRL) 3138/2024**

SANTOSH

.....Petitioner

Through: Mr. Virendra Kumar, Mr. Abhinav,
Mr. Vishal Tiwari and Ms. Vaishnavi
Rajora, Advocates.

versus

STATE GOVT. OF NCT OF DELHI AND ANR.Respondents

Through: Mr. Rahul Tyagi, ASC.

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

CHANDRA DHARI SINGH, J (Oral)

1. The instant criminal writ petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter "BNSS") has been filed on behalf of the petitioner seeking the following relief:

"A. Quash the F.I.R. NO. 48 of 2020, DATED 05.02.2020, REGISTERED WITH P. S. SAKET, U/S 279/337/304A IPC & 146/196 OF MV ACT, SOUTH DISTRICT, NEW DELHI and all the proceedings which are pending before the LD. ACJM-46, South, Saket Court, New Delhi- 110017 against the petitioner."

2. Learned counsel appearing on behalf of the petitioner submitted that the petitioner is an accused in FIR bearing no. 48/2020, dated 5th February, 2020, registered with Police Station – Saket, Delhi for offences punishable under Sections 279/337/304A of the Indian Penal Code, 1860 (hereinafter

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“IPC”) and Sections 146/196 of the Motor Vehicles Act, 1988 (hereinafter “MV Act”) which was registered as Cr. Case no. 7351/2021.

3. It is submitted that on 5th February, 2020, the accident in question took place at near Sainik Farms, Asian Market Red Light, Saket and on 12th February, 2020, due to the said accident, the injured namely late Sh. Beer Singh expired during treatment pursuant to which the Police added Section 304 A of the IPC in the aforesaid FIR.

4. It is submitted that subsequently, the final chargesheet under Section 173 of the Code of Criminal Procedure 1973 (hereinafter “CrPC”) along with a Detailed Accident Report was filed before the learned Presiding Officer, MACT, Saket Court, New Delhi (hereinafter “learned PO”). It is further submitted that in the claim petition bearing MACT No. 215/2021, filed by the respondent no. 2 before the learned PO, the concerned matter was transferred for mediation/settlement at the joint request of the parties.

5. It is submitted that both the parties have settled the dispute and have agreed to settle the MACT case No. 215/2021 as well as another matter bearing Cr. Case no. 7351/2021 vide settlement dated 1st November, 2023 arrived at between the parties before the Mediation Center, Saket Courts.

6. It is submitted that vide the aforesaid settlement, it was agreed between the parties that the petitioner herein shall pay an amount of Rs.4,00,000/ which has been duly paid by the petitioner in the Joint Account bearing No. 20434838961 of the wife of the deceased husband, i.e., respondent no. 2 and her son.

7. It is submitted that after recording the aforesaid settlement and in



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terms of the settlement, the learned PO disposed of MACT case No. 215/2021 as settled vide order dated 12th January, 2024.

8. It is submitted that in support of the present petition, the respondent no. 2, i.e., the wife of the deceased has given her consent to quash the chargeheet/proceedings against the petitioner in FIR No. 48/2020 by way of a supporting affidavit which is appended as Annexure P-6 to the instant petition.

9. It is submitted that the petitioner is a young boy aged 25 years and has duly complied with the terms of the settlement, and no prejudice will be caused to the respondent no. 2 in the event the aforesaid FIR and proceedings emanating from them is quashed, therefore, the instant petition may be allowed.

10. Heard the learned counsel appearing on behalf of the parties and perused the material placed on record.

11. The petitioner has approached this Court seeking quashing of FIR No. 48/2020 and all the criminal proceedings emanating therefrom in view of the settlement arrived at between the parties vide the settlement dated 1st November, 2023 which is appended as Annexure P-4 to the instant petition.

12. Upon perusal of the records filed along with the instant petition, it is observed that the aforesaid FIR was registered under Sections 279/337 of the IPC and Sections 146/196 of the MV Act against the petitioner as he had caused an accident in which the husband of the respondent no. 2 was injured. However, the injured expired during his treatment following which the Police added Section 304A of the IPC against the petitioner in the



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chargesheet.

13. Thereafter, the parties arrived at a settlement dated 1st November, 2023 before the Mediation Center, Saket Courts, Delhi wherein the parties agreed to settle the dispute. It was agreed that the petitioner herein shall pay a sum of Rs. 4,00,000/- to the respondent no. 2 in full and final settlement of all her claims, and the said amount was to be transferred in the joint account of the respondent no. 2 and her son namely Mr. Manish Rawat.

14. The petitioner has submitted that a sum of Rs. 1,00,000/- was transferred to the respondent no. 2 via online mode and the remaining amount of Rs. 3,00,000/- has been handed over to the respondent no. 2 by way of demand draft on 12th January, 2024. It has also been submitted that in light of the said compliance of the terms of the settlement, which has also been recorded by the learned PO in MACT No. 215/2021 in order dated 12th January, 2024, the said claim petition was disposed of as settled.

15. It has been further submitted that in the settlement arrived at between the parties, it was agreed at paragraph no. 2 that in case the petitioner herein decides to approach this Court for quashing of the FIR, the respondent no. 2 herein shall render necessary assistance as may be required.

16. Here, it becomes imperative to note that the instant criminal proceedings in respect of non-compoundable offences are private in nature and do not have a serious impact on the society especially when there is a settlement/compromise between victim/complainant and accused.

17. In the case of *State of Madhya Pradesh vs. Laxmi Narayan and Ors.*, (2019) 5 SCC 688, the Hon'ble Supreme Court held that the powers



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conferred under Section 482 of the Cr.P.C (now Section 528 of the BNSS), can be exercised by the Courts to quash the criminal proceedings featuring non-compoundable offences, when the matter arises out of disputes of personal nature. Moreover, it is pertinent to satisfy the Court that the said non-compoundable offences are private in nature and does not have a serious impact on the society.

18. Furthermore, it was observed by the Hon'ble Supreme Court in the case of ***Ramgopal and Ors. Vs. The State of Madhya Pradesh, 2021 INSC 568***, that the extraordinary power enjoined upon the High Court under Section 482 of Cr.P.C (now Section 528 of the BNSS) can be invoked even when such a case falls within the ambit of non-compoundable offences given that the Court must be satisfied that the nature of the offence does not impact the conscious of the society and that the compromise between the parties is voluntary and amicable.

19. In such cases, it is a settled law that the High Court is required to consider the conduct and antecedents of the accused in order to ascertain that the settlement has been entered into by the victim/complainant by her own free will and has not been imposed upon her by the petitioner or any person related to him.

20. In the present case, the wife of the deceased, i.e., the respondent no. 2's supporting affidavit is filed on record as Annexure P- 6 wherein she has stated her no objection to quash the aforesaid FIR. The relevant extracts of the same is as under:

“..2. That the Deponent has no more grievances against the



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Petitioner and the disputes in question have already been settled compromised between the parties.

3. That a compromise between the parties has been arrived with their free consent, without any threat or pressure or coercion or undue influence before the Mediation Center Saket Court, New Delhi-110017 on 11.01.2023.

4. That the Deponent does not want to proceed with the FIR NO 48 OF 2020 DATED 05.02.2020, REGIS IERED WITH P.S SAKET, NEW DELHI, U/s 279/337/304A IPC & 146/196 MV ACT qua the Petitioner and she has no objection if the said FIR qua the Petitioner is quashed by this Hon'ble Court..."

21. It is pertinent to mention here that the respondent no. 2 in her supporting affidavit has categorically stated at paragraph no. 4 that she does not want to proceed with the aforesaid FIR *qua* the petitioner and that she has no objection if the said FIR is quashed by this Court. It has been deposed by the respondent no. 2 that the compromise arrived at between the parties has been arrived with her free consent, without any threat or pressure or coercion or undue influence before the Mediation Center.

22. Further, this Court has also perused the order dated 12th January, 2024 passed by the learned PO in MACT No. 215/2021, wherein the statement of the respondent no. 2 herein has been recorded with regard to the settlement pursuant to which the said matter was disposed of. Relevant extracts of the said order are as under:

"..Ld. counsels for the parties state that the matter has been settled in Mediation Centre on 01.11.2023 for a sum of Rs.4,00,000/-. The petitioner has received an amount of Rs.



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1,00,000/- online. Today also, the respondent Santosh has handed over a demand draft for a sum of Rs.3,00,000/- to the petitioner Pramila. Separate statement of the petitioner Smt. Pramila Devi recorded in this regard. In view of the statement, matter is disposed off as settled. ..”

23. Upon a meticulous examination of the material placed on record, this Court is of the view that the respondent no. 2 have settled the entire disputes amicably with the petitioner by her own free will without any pressure or coercion. There is also no allegation from respondent no.2 that the conduct and antecedents of petitioners have been bad towards her after the compromise. As per the settlement, the respondent no. 2 has received the entire settled amount.

24. In the instant case, as stated above, the parties have reached on the compromise and amicably settled the entire disputes without any pressure and therefore, this Court is of the considered view that in view of the settlement, this Court should exercise its powers under Section 528 of the BNSS and quash the proceedings.

25. In view of the settlement arrived at between the parties and the law laid down by the Hon'ble Supreme Court, the present petition is allowed. Accordingly, FIR bearing No. 48/2020 dated 5th February, 2020, registered at Police Station - Saket, Delhi for offences punishable under Sections 79/337/304A of the IPC and Sections 146/196 of the MV Act and all consequential proceedings emanating therefrom are, hereby, quashed.

26. Accordingly, the instant petition stands disposed of. Pending applications, if any, stands dismissed.



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27. The order be uploaded on the website forthwith.

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NOVEMBER 5, 2024
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Click here to check corrigendum, if any

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