



\$~19

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

+ **CRL.M.C. 8270/2024**

PAWAN

.....Petitioner

Through: **Mr. Sunil Kumar, Adv.**

versus

STATE GOVT. OF NCT OF DELHI AND ANR.Respondents

Through: **Mr. Mukesh Kumar, APP for State.**

**Ms. Veneeta Verma with Mr. Amit
Chauhan, Advs.**

SI Rohitas Yadav PS Neb Sarai

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

11.12.2024

%

1. The present petition has been filed for quashing of FIR No.0401 dated 25.09.2024 U/s. 281 /125(a) of BNS, 2023 at P.S. Neb Sarai New Delhi on the basis of settlement.
2. Issue notice.
3. Learned APP has accepted notice.
4. The brief facts of the case as alleged by the prosecution are that on September 25, 2024, at approximately 11:00 A.M., the daughters of Respondent No. 2, namely Anisha and Ashmita, were returning home from school when they were hit by a Mahindra vehicle (White, No. DL 1LAA4919) driven by the petitioner. The petitioner was apprehended by bystanders who informed Respondent No. 2's family about the accident. Both injured daughters were initially admitted to Madan Mohan Malviya Hospital for treatment and were later transferred to Safdarjung Hospital for



further care. The elder daughter, Anisha, aged about 8 years, was discharged the same day, while the younger daughter, Ashmita, aged about 2.5 years, received treatment at Safdarjung Hospital before being discharged later.

5. Learned Counsel for the petitioner submits that during the pendency of the proceedings, due to the intervention of the elderly persons, relatives, well wishers and the friends of both the petitioner and respondent no. 2, a settlement/comprise arrived, whereby the respondent no. 2 and petitioner has mutually agreed to settle their disputes ones for all. It has been submitted that in pursuance thereof a MOU dated 03.10.2024 was entered between the parties on the following terms and conditions:

“1. That the first party shall pay a sum of Rs. 30,000/- to the second party qua quashing of FIR.

2. That the second party has agreed not to further proceed/pursue case against the first party.

3. That the Second party has also agreed to give his statement that the dispute between the parties have amicably settled and the second party is not willing to further proceed the case against the first party.

4. That the second party is also ready to get Quash the FIR No.0401 Under Section 281,125(A) BNS, 2023 P.S.NEBSARA and ready to give his statement before the Hon'ble High Court of Delhi that he has no objection if the said FIR is Quashed.

5. That the second party has also ready to cooperate with the first party to move a petition before the Hon'ble High Court of Delhi For getting Quash the said FIR.”

6. The inherent power under Section 482 Cr.P.C. is of wide plenitude with no statutory limitation but it has to be exercised in accord with the guidance engrafted in such power viz.: (i) to secure the ends of justice, or



(ii) to prevent abuse of the process of any court. In the case of ***Gian Singh v. State of Punjab*** (2012) 10 SCC 303, the Supreme Court has observed that in the exercise of its inherent power under Section 482, the High Court can quash FIR/Charge-sheet on the basis of alleged settlement except in cases of rape, murder, *dacoity* or the cases under the Special Statutes like Prevention of Corruption Act or the offences committed by public servants while working in that capacity etc. It is a settled proposition of law that High Courts should exercise the power under Section 482 Cr.P.C. for quashing of criminal cases having overwhelmingly and predominantly civil flavour.

7. It has also been repeatedly held that the High Court may quash the criminal proceedings if in its view, because of the compromise between the offender and the victim, the possibility of conviction is remote and bleak and continuation of the criminal case would put the accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal case despite full and complete settlement and compromise with the victim. Reliance can be placed upon ***Madhavrao Jiwajirao Scindia v. Sambhajirao Chandrojiroo Angre***, (1988) 1 SCC 692.

8. Respondent no. 2 is present in court and has duly been identified by the IO. He states that he has entered into the settlement voluntarily and he has no objection if the FIR is quashed. Affidavit of Respondent no. 2 has also been placed on record.

9. In view of the above, it appears that he is not going to support the case of the prosecution and the possibility of conviction is remote and bleak. In view of the matter, the continuation of the criminal proceedings would be an exercise in futility and it is an abuse of the process of the court. There



would no purpose in continuing with the present proceedings and accordingly, the FIR No.0401 dated 25.09.2024 U/s. 281 /125(a) of BNS, 2023 at P.S. Neb Sarai New Delhi are quashed.

10. The present petition stands disposed of.

DINESH KUMAR SHARMA, J

DECEMBER 11, 2024

‘pp’ / ‘sm’..