



2024:DHC:9713



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* IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision: 23.10.2024

+ CRL.M.C. 8408/2024

SANJAY KUMAR

.....Petitioner

Through: Mr. Narender Singh, Advocate.

versus

THE STATE GOVT OF NCT DELHI AND ORS

.....Respondents

Through: Mr. Satinder Singh Bawa, APP for
State along with SI Kunal Kumar P.S.
Bindapur and ASI Kamal, P.S.
Security Unit.
Respondent nos. 2 to 7 in person.

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. 32119/2024**

Exemption allowed, subject to just exceptions.

Application stands disposed of.

CRL.M.C. 8408/2024

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. 22/2023, under Sections 279/337 IPC, registered at P.S.: Bindapur and proceedings emanating therefrom.
2. Issue notice. Learned APP for the State and Respondent nos. 2 to 7 in person appear on advance notice and accept notice.



3. In brief, as per the case of prosecution, present FIR was registered on 04.01.2023, on complaint of Mohd. Akbar Khan (respondent No. 2), who alleged that on night intervening 03/04.01.2023 around 12:00 midnight, his auto was hit by Swift Dzire driven by the petitioner, resulting in injuries on his person. Further vehicle driven by the petitioner also hit some other vehicles resulting in damages to the said vehicles and also caused minor injuries to some of the respondents.

4. Learned counsel for petitioner submits that accident had been inadvertently caused and the other vehicles were impacted as a cascading effect. He further submits that the disputes have been amicably settled in terms of Settlement Deed attested on 16.10.2024, whereas respondent nos. 2 to 7 have been paid a sum of Rs.8,333/- each.

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. He further informs that Detailed Accident Report has already been filed on behalf of the investigating agency for purpose of compensation, if any, to be awarded by MACT.

6. Respondent nos. 2 to 7 submit that in view of an amicable settlement between the parties, they have no grievance in this regard and give no objection for quashing of FIR.

7. 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.

8. 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.

9. Petitioner and respondent No. 2 to 7 in person have been identified by SI Kunal Kumar, P.S.: Bindapur. 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 to 7 submit that since the disputes between the parties have been amicably settled and DAR has already been filed before MACT by investigating agency, they have no objection, in case the FIR in question is quashed.



2024:DHC:9713



10. Petitioner and respondent No.2 to 7 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 to 7 have been compensated by the petitioner, 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. 22/2023, under Sections 279/337 IPC, registered at P.S.: Bindapur 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/ssc