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

+ **CRL.M.C. 8511/2024**

ONKAR CHADHA

.....Petitioner

Through: Mr. Himanshu Goyal and Ms. Palak
Chadha, Advocates along with
petitioner in person

versus

STATE OF NCT OF DLEHI & ORS.

.....Respondents

Through: Mr. Yudhvir Singh Chauhan, APP for
State with IO/SI Arvind Kumar
along with respondents no. 2 to 4 in
person

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

25.10.2024

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1. The instant petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter “BNSS”) has been filed by the petitioner praying for quashing of FIR bearing No. 0093/2024 dated 25th August, 2024 registered at Police Station Mandir Marg for the offence punishable under Section 281 of the Bharatiya Nyaya Sanhita, 2023 (hereinafter “BNS”).

2. The brief facts of the case are that due to the alleged accident that took place on the morning of 25th August, 2024, the petitioner lost control of his car and allegedly collided with the vehicles of the respondents No. 2 to 4, which led to the registration of the aforesaid FIR against the petitioner.



3. Pursuant to the aforesaid, the petitioner made genuine efforts at reconciliation and as a result of comprehensive discussions, the petitioner entered into separate settlements *vide* Memorandum of Understandings dated 30th August, 2024, 7th September, 2024, and 7th September, 2024 (hereinafter “MoUs”), with each of the respondents, i.e., respondents No. 2, 3 and 4, respectively. The terms and conditions of the said settlements are mentioned in the MoUs which have been annexed as Annexures-P-3 to P-5 to the petition.

4. It is submitted that respondent No. 2 has settled all his claims with the petitioner for a sum of Rs. 10,000/- including repairs for his vehicle. Likewise, the respondent No. 3 has settled all his claims and disputes any nature whatsoever for a sum of Rs. 70,000/- and respondent No. 4 has settled his claims and the dispute for a sum of Rs. 1, 50,000/-.

5. It is submitted that out of the aforesaid amount in terms of the respective settlements, the remaining amount of Rs. 5,000/-, Rs. 30,000/- as well as Rs. 50,000/- was agreed to be paid to the respondents No. 2 to 4 respectively, at the time of quashing of the FIR. Furthermore, it is submitted that the respondents no. 2 to 4 have already received a sum of Rs. 5,000/-, Rs. 40,000/- and Rs. 50,000/- respectively.

6. The petitioner who is present in person before this Court has transferred the abovementioned balance amount by way of NEFT transfer mode in the accounts of respective respondents in the Court. The respondents No. 2 to 4 have verified the payment of NEFT transfer to their satisfaction and stated them to be correct.

7. It is, therefore, prayed that the instant FIR be quashed on the basis of MOUs and as per the Judgment of the Hon’ble Supreme Court passed in



Gian Singh vs. State of Punjab, (2012) 10 SCC 303.

8. Learned APP for the State submitted that there is no opposition to the prayer made on behalf of the petitioners seeking quashing of the FIR in question in view of the settlement arrived at between the parties.

9. Heard learned counsel for the parties and perused the record.

10. In the instant case, as stated above, the parties have reached on the compromise and amicably settled the entire disputes without any pressure and have received the balance amount in terms of the settlement arrived at between the parties.

11. The petitioner is present before this Court and has been identified by his counsel, Mr. Himanshu Goyal, Advocate and Investigating Officer SI Arvind Kumar, Police Station Mandir Marg. The respondents No. 2 to 4 are also present in the Court and have been identified by the Investigating Officer.

12. On the query made by this Court, respondents No. 2 to 4 have categorically stated that they have entered into compromise on their own free will and without any pressure. It is also stated by respondents No. 2 to 4 that the entire dispute has been amicably settled between the parties and they do not wish to pursue with the matter further. The parties also undertook that they shall abide the terms and conditions of the MOUs arrived at between the parties.

13. Therefore, in view of the settlement arrived at between the parties, the law laid down by the Hon'ble Supreme Court as well as the fact that the balance amount has been duly paid in terms of the settlement arrived at between the parties, the present petition is allowed.

14. Accordingly, FIR bearing No. 0093/2024 registered at Police Station



Mandir Marg for offence punishable under the Section 281 of the BNS and all consequential proceedings emanating therefrom are quashed.

15. The petition alongwith pending applications, if any, stand disposed of.

CHANDRA DHARI SINGH, J

OCTOBER 25, 2024
gs/sm

Click here to check corrigendum, if any