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

+ **CRL.M.C. 8787/2024**

**SAMPOORNA KUMAR MEDIKONDA @ SAMPURNA KUMAR
MEDIKONDA**

.....Petitioner

Through: Mr.Sanjay Mani Tripathi, Mrs.
Mamta Rani, Mr.Rajneesh Kumar and
Mr.Suraj Kumar, advts.

versus

THE STATE OF NCT OF DELHI & ORS.Respondents

Through: Mr.Hemant Mehla, APP for the State.
Mr.Prem Kishore Tripathi, Adv. for
R-2 and R-3.

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

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22.11.2024

CRL.M.A. 33611/2024 (exemption)

Exemption is allowed, subject to all just exceptions.

The application stands disposed of.

CRL.M.C. 8787/2024

1. Present petition has been filed for quashing of case FIR no.0002 dated 01.01.2021 registered under Section 279/338 IPC at PS Dwarka South and all the other proceedings emanating therefrom on the basis of settlement.
2. Learned Counsel for the petitioner submits that the present FIR was lodged on tehrir submitted by Respondent no. 2 alleging that the car



bearing no.DL-12CJ 8173 driver by the petitioner caused the injuries to both Respondent no. 2 & 3. It has been submitted that on the said tehrir case was registered u/s 279/337 IPC and thereafter chargesheet was filed u/s 279/338 IPC. It has been submitted that during the pendency of the trial before the court of Ld. JMFC, Dwarka, the matter was referred to mediation and accordingly the settlement was arrived at on 02.09.2024 on the following terms and conditions:

(a) Sh. Ajay Kumar and Sh. Ram Sagar, both injured persons have agreed to compound the offence under Section 338 IPC with the respondent for a sum of Rs. 1,70,000/- (Rupees one lac seventy thousand only), which shall be paid by the respondent equally to the both injured persons by way of DD, before in two installments, to be paid as under :-

(1) First installment of 1,00,000/- (one lac only) i.e. Rs.50,000/- (Fifty thousand only) each shall be paid by the respondent to the injured person on the date fixed i.e. 09.09.2024.

(ii) Second installment of Rs. 70,000/- (seventy thousand only) i.e. Rs. 35,000/- (Rupees thirty five thousand only) each shall be paid by the respondent to both injured at the time of quashing of FIR No 0002/2021, State Vs. Sampoorina Kumar Medikonda, P.S. Dwarka South, U/s 279/338 IPC, before the Hon'ble High Court of Delhi. Respondent Sh. Sampoorina Kumar Med konda S/o Late Sh. Chinna Hanumaiah Medikonda, shall move appropriate petition for quashing of abovesaid FIR, before the Hon'ble High Court of Delhi, on or before 30.10.2024. Both above named injured persons, in the abovesaid FIR undertakes to appear before the Hon'ble High Court of Delhi to sign the necessary affidavits, NOC and to cooperate in getting the said proceedings quashed. It has been apprised to the parties that if the parties move quashing petition, then the quashing of the present FIR is the discretionary power of the Hon'ble High Court of Delhi. The expenses for quashing of above said FIR shall be borne by the respondent.

5. It is agreed between the parties if the injured persons do not appear before the Hon'ble High Court of Delhi for getting the FIR quashed, then the injured persons shall return the amount of first



installment i.e. Rs. 1,00,000/- (Rupees one lac only) to the respondent.

6. Both the parties shall make appropriate statements before the Ld. Referral Court, in terms of this settlement, on the date fixed.

7. The parties shall be bound by the terms and conditions as mentioned above

8. In case any party fails to perform their part of settlement, the other party shall be at liberty to take action as per law.

9. Both the parties shall bear their respective cost of litigation.

3. Respondent no. 2 & 3 are present in court and have duly been identified by the IO. It has been submitted that they have received Two Demand Drafts bearing nos.981042 and 981041 dated 22.10.2024 of Rs.35,000/- each in the name of Ram Sagar Sahu and Ajay Kumar drawn on Canara Bank. It has also been submitted that they have received compensation from MACT proceedings also and in view thereof they have objection if the FIR no.0002 dated 01.01.2021 registered under Section 279/338 IPC at PS Dwarka South and all the other proceedings emanating therefrom are quashed. They state that they are making this statement voluntarily without any fear of force, threat or coercion against all claims (past, present and future) from the petitioner.
4. It has been held in a catena of judgements of the Supreme Court as well as this Court that the High Court has the inherent power to quash criminal proceedings even in those cases which are not compoundable. Such power is to be used sparingly with caution and circumspection. It is imperative that while exercising such inherent power, the High Court must examine as to whether the possibility of conviction is remote and bleak and whether continuation of criminal proceedings would put the accused to great oppression and prejudice. Section 482 Cr.P.C.



preserves the inherent powers of the High Court to prevent an abuse of the process of any court or to secure the ends of justice. Thus, while adjudicating whether a FIR or criminal proceeding is liable to be quashed, the High Courts must evaluate and weigh if the ends of justice would be served and justify the exercise of such inherent power.

5. Taking into account the aforesaid facts and in view of the settled law mentioned above, the present FIR no.0002 dated 01.01.2021 registered under Section 279/338 IPC at PS Dwarka South and all the other proceedings emanating therefrom are quashed.

DINESH KUMAR SHARMA, J

NOVEMBER 22, 2024

Rb/smg