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

+ **W.P.(CRL) 172/2025**

DIVIK TANEJA & ANR.

....Petitioners

Through: Mr. Sumit Saharawat, Advocate with
petitioners in person

versus

GOVT OF NCT OF DELHI & ANR.

....Respondents

Through: Mr. Amol Sinha, ASC for State with
Mr. Satish Kumar, APP, Mr. Kshitiz
Garg, Mr. Ashvini Kumar, Mr. Rahul
Kochar, Ms. Chavi Lazarus and Ms.
Sanskriti Nimbekar, Advocates and
SI Layak Ali, PS Amar Colony
R-2 in person

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

% **04.03.2025**

CRL.M.A.1375/2025 (for exemption)

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

W.P.(CRL) 172/2025

1. The instant writ petition under Article 226 of the Constitution of India read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter“BNSS”) has been filed on behalf of the petitioners seeking quashing of FIR No.0322/2024, registered at Police Station - Amar Colony, Delhi, for the offences punishable under Sections 281/125(a) of the Bharatiya Nyaya Sanhita, 2023 (hereinafter “BNS”) alongwith all the proceedings emanating therefrom.
2. According to the prosecution, a PCR call was made regarding the incident on 13th September, 2024 between 2:00 AM to 2:30 AM. On receipt



of the said call, a DD Entry No.10A was recorded. The said PCR call was received from the Safdarjung Hospital where the injured persons were admitted. However, upon reaching the hospital, the Sub-Inspector found that the complainant was no longer present, as he had been referred to Holy Family Hospital for further treatment.

3. Subsequently, the complainant's statement under Section 180 of the BNSS was recorded on the same day, wherein he stated that an unknown individual was driving car in a rash and negligent manner, resulting in injuries to his leg. The statement of one Rahul was also recorded under Section 180 of the BNSS on 13th September, 2024.

4. Rahul stated that while the complainant was dropping him off, a car approached from the left side, causing both of them to fall from the vehicle. Although the driver briefly slowed down the car, Rahul was unable to note the complete registration number, however, he observed that the car was white and bore a registration number starting with 'UP' and ending with '21'.

5. During the investigation, CCTV footage of the market area, where the incident had occurred, was examined. The footage, recorded on September 30, 2024, at 02:35:42 AM, captured the entire incident, revealing that the offending vehicle bore the registration number UP15CX3221.

6. Subsequently, a notice under Section 133 of the Motor Vehicles Act, 1988 (hereinafter "MV Act") was issued to the registered owner, one Anit Jindal, a resident of Village Bhowapur, Kaushambi, Ghaziabad, Uttar Pradesh. In his response, Anit Jindal stated that he has sold the vehicle to Shubham Kakkar, a resident of Dev Puri, Baghpat, Meerut, Uttar Pradesh, on 4th August, 2024, and provide details of the sale. A further notice under



Section 133 of the MV Act was issued to Shubham Kakkar, who responded that he had sold the car to Raghav Arora, a resident of Dev Puri, Meerut, on 11th September, 2024.

7. During the investigation, a notice was also issued to one Raghav Arora, who produced the Certificate of Registration issued by the Transport Department, Meerut RTO. He stated that on the night of the incident, he had gone out in his car with his friend, Divik Taneja, a resident of J-44, 1st Floor, ODS, Lajpat Nagar – 4, Delhi. While returning home, Divik was driving the vehicle while Raghav sat in the front passenger seat. He further stated that he fell asleep during the ride, and later, Divik informed him that he had hit a scooty near a chowk, but out of fear, did not stop the car.

8. On 12th December, 2024, the petitioner and respondent no. 2 entered into a settlement agreement to resolve the present dispute.

9. Learned counsel for the petitioners submitted that the dispute between the parties has been amicably resolved and the complainant has no further grievance against the petitioners. The settlement was reached voluntarily, with free will and consent, as recorded in the Memorandum of Understanding executed between them. Since, no party remains aggrieved, it is contended that continuing with the trial would serve no meaningful purpose and would amount to an unnecessary prolongation of legal proceedings.

10. It is submitted that given the compromise between the parties, no fruitful result can be achieved by proceeding with the trial. It is submitted that the judicial time and resources should not be expended on a matter that has already been settled, and permitting the case to proceed would impose an unwarranted burden on the public exchequer.



Statement of Raghav Arora:

निवेदन इस प्रकार है जी कि मैं 12 Sep 2024 को अपने दोस्त DIVIK TANEJA निवासी OLD STREET AMAR COLONY के पास रहा था। रात को 9:15 बजे के करीब उसके यहां पहुंचा और 9:50 पर वहां से निकल गया। निकलते समय DIVIK ने मेरी गाड़ी चला रहा था। मेरी गाड़ी VERNALIS 3221 है जिसे मैंने 2 Sep 2024 को ही मेरठ के सफाई कार में लिहा। वापस लौटते समय DIVIK ने और एक स्मूटी की मोड़ पर टक्कर लगा गई फिर वह धक्का कर गाड़ी को ले कर अपनी घर के बाहर पार्किंग में छोड़ कर दी गाड़ी में से मैं पहले उतरा मैंने काले रंग की टी-शर्ट और निचकर पहनी थी। गाड़ी में मैं पहले उतरा और फिर वह गाड़ी को मेरी सौलगा कर उतर गया। उसके बाद हम दोनों उसी घर जाकर सो गए। सुबह मैं गाड़ी लेकर मेरठ चला गया।

14. It is submitted that it was not Raghav Arora rather Divik Taneja who was driving the offending vehicle at the time of the incident. Consequently, on 02nd October, 2024, Divik Taneja was arrested, his driving license was seized and he was consequently released on bail.

15. It is submitted that on 9th October, 2024, the medical opinion on MLC No. 46599 pertaining to the injuries sustained by the complainant was obtained. The doctor opined that the injuries sustained were grievous in nature, specifically a fracture of the shaft of the left femur. Consequently, the charge under Section 125(a) was replaced with Section 125(b) of the BNS.

16. It is submitted that considering the act and conduct of both the accused at the time of the incident i.e., fleeing from the spot instead of



assisting the injured victim and leaving him on the road, it is clear that their actions demonstrated recklessness and disregard for public safety. Additionally, the accused failed to provide any specific reason for driving the vehicle in a rash and negligent manner at 2:35 AM on 13th September, 2024, as recorded in the CCTV footage.

17. It is submitted that the instant petition for quashing the FIR on the ground of settlement amounts to a gross misuse of the process of law, as the accused endangered public safety by driving in a rash and negligent manner. It is further submitted that no judicial pronouncement supports the view that an FIR against influential individuals accused of cognizable offences may be quashed solely on the basis of a compromise, without first satisfying the Court that such quashing is warranted in the interest of justice.

18. In view of the foregoing submissions, learned APP for the State prayed that the instant petition be dismissed.

19. The petitioners and respondent no.2 are present in Court and they have been duly identified by the investigating officer as well as by their respective counsel. Respondent No.2 submitted that he had entered into compromise with the petitioners vide Memorandum of Understanding (hereinafter “MoU”) dated 2nd December, 2024. Upon query made by this Court, respondent no.2 submitted that he does not wish to pursue the proceedings any further and prays that the present FIR may be quashed. The terms and conditions of the settlement are recorded in the said MoU, which is annexed as Annexure A-4 to the instant petition.

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

21. At this juncture, the primary issue before this Court is whether offences involving rash and negligent driving resulting in grievous injury



can be can be quashed solely on the basis of a settlement, considering the facts of the present case.

22. This Court has perused the statement of both the accused persons, as recorded by the investigating officer. The case diary has also been perused, which confirms that the injuries sustained by the victim were grievous in nature.

23. The accused fled the scene after the incident instead of extending help to the injured, demonstrating reckless disregard for public safety. The victim suffered grievous injuries, including a fracture of the femur, which underscores the seriousness of the offence. Furthermore, the prosecution has argued that permitting quashing in such cases would set a dangerous precedent, allowing individuals accused of cognizable offences to evade legal consequences merely through private settlements.

24. The power of the High Court under Section 528 of the BNSS is discretionary and is to be exercised sparingly and with caution, particularly when dealing with non-compoundable offences that affect public safety. The present case involves allegations of rash and negligent driving under Sections 281 and 125(a) of the BNS, which, though often categorized as minor, have serious implications on public safety.

25. The Hon'ble Supreme Court in *Parbatbhai Aahir v. State of Gujarat*, (2017) 9 SCC 641, emphasized that courts must consider the nature and gravity of the offence before quashing criminal proceedings. It was held that offences that threaten public safety and order should not be quashed solely on the ground of a settlement, as doing so would convey an impression of leniency towards serious misconduct and weaken the deterrent effect of the law. In the present case, the reckless act of the accused resulted in grievous



injury to the victim, which cannot be trivialized as a mere private dispute.

26. Taking into account the facts and circumstances of the case, including the nature of the offence, the severity of the injuries sustained by the victim, and the conduct of the accused, this Court finds that the present case does not warrant quashing solely on the basis of a settlement between the parties.

27. The Hon'ble Supreme Court in *State of Punjab v. Saurabh Bakshi*, (2015) 5 SCC 182, has strongly condemned the increasing trend of reckless and negligent driving, noting that many offenders believe they can evade substantive punishment merely by paying compensation. The Hon'ble Court observed that such dangerous notions undermine the rule of law, as reckless drivers show blatant disregard for traffic rules and public safety. The legal system must not allow monetary settlements to become a means for offenders to escape criminal liability.

28. This Court also takes cognizance of the accused's conduct post-incident. The act of fleeing the scene instead of aiding the injured victim aggravates the culpability of the accused and reflects a lack of responsibility towards the consequences of his actions.

29. Given the gravity of the allegations and the public interest involved, this Court is of the considered opinion that the case is not fit for quashing on the basis of compromise alone. Allowing such a petition would undermine the deterrent effect of the law and fail to serve the ends of justice.

30. Accordingly, the said petition is dismissed alongwith pending applications, if any.

MARCH 4, 2025
Rt/kj/mk

CHANDRA DHARI SINGH, J

[Click here to check corrigendum, if any](#)