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

+ CRL.M.C. 2155/2023

ASHU ANAND

.....Petitioner

Through: Mr. Nitin Kumar, Adv. with petitioner
through VC.

versus

THE STATE GOVT. OF NCT OF DELHI & ANR.

.....Respondents

Through: Mr. Sanjeev Sabharwal, APP for the
State with Ms. Mansi Sharma,
Advocate.

Mr. Narendra Gautam, Adv. for R-2
with R-2 through VC.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

06.05.2025

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1. This hearing has been done through hybrid mode.
2. The present petition under Section 482 of the Code of Criminal Procedure, 1973, (for short, 'CrPC') has been filed seeking following prayers:

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“a) Quash the FIR No.706/2016 Vis 279/304A IPC dated 28.06.2016 which was registered at P.S. Mangolpuri, New Delhi and the proceedings arising out of it.

b) Pass any other or further order(s) which this Hon'ble Court may deem fit and proper, in the interest of justice.”

3. The case of the prosecution is that on 28.06.2016 at around 06:24 PM, an information was received *vide* DD No. 34A at PS Mangolpuri about a fatal accident at flyover connecting Peeragarhi to Madhuban Chowk. The said information was assigned to ASI Rajbir, who then, went to the spot and found

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two vehicles, *i.e.*, Bike Passion Pro Black, DL 11 SD 1593, and Car, DL 5 CE 0613 Tata Indica, in accidental condition. The injured person, son of respondent No.2, in the said accident was shifted to Bhagwan Mahabir Hospital, Sector 14 Rohini. The Investigating Officer then went to hospital where he came to know that the said injured person was declared brought dead *vide* MLC No. 1480/16. Accordingly, FIR in the present case was registered at PS Mangolpuri.

4. During investigation, deceased was identified as Balram Yadav. Inspection of both the vehicles was conducted and statements of the eye-witnesses of the accident were recorded and notice under Section 133 of the Motor Vehicle Act, 1988, was served to the owner of the aforesaid Tata Indica Car bearing No. DL 5 CE 0613. The name of the driver of the said offending Car was found to be Ashu Anand, present petitioner. On completion of investigation, chargesheet was filed for the offence punishable under Sections 279/304A of the IPC, before the Court of competent jurisdiction.

5. Learned counsel for the petitioner submits that the latter has been arrayed as accused in the present case as he was driving the offending vehicle (Car) with which the deceased had met with accident. It is submitted that the said incident was accidental in nature and the case of the prosecution against the present petitioner is not of driving the vehicle at excessive speed. It is further submitted that the petitioner is a law-abiding citizen with clean antecedents. The matter has been amicably settled between the petitioner and respondent No. 2 (mother of the deceased) before Delhi Mediation Centre, Rohini District Courts *vide* a Settlement/Compromise Deed dated 07.04.2018 (Annexure P-4).

6. *Per contra*, learned APP for the State has submitted that the offences

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alleged against the present petitioner are serious in nature. He has further submitted that the accident in the present case had occurred on account of the negligence of the petitioner and chargesheet in the present case has been filed and the matter is presently at the stage of prosecution evidence.

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

8. It is settled principle of law that in cases of non-compoundable offences where the parties have arrived at a settlement, the High Court has inherent power to quash a criminal proceeding in exercise of powers under Section 482 of the CrPC as well as Article 226 of the Constitution of India. Time and again, it has been reiterated that the inherent powers of the High Court are of a wide plenitude, but in exercise of such powers, the guiding factor has to be – (i) to secure the ends of justice, or (ii) to prevent the abuse of process of any Court. It is also well settled that before proceeding to quash an FIR, the High Court must duly consider the nature and gravity of an offence.

9. To bring the present case within the definition of ‘gross negligence’ there must be wanton disregard to the consequences of an act or omission on part of the petitioner which resulted in the accident. Perusal of the chargesheet dated 13.10.2017 shows that the present petitioner was arrayed as an accused in the present case as he was driving the offending vehicle with which the deceased had met with an accident. The facts of the present case reveal that the incident in the present case was purely accidental in nature.

10. Be that as it may, respondent No. 2, mother of the deceased, and father of the deceased, Gulab Prasad Yadav, had entered into a settlement with the petitioner *vide* a Settlement/Compromise Deed dated 07.04.2018 (Annexure P-4). In pursuance of the said settlement, the petitioner has agreed to pay a sum of Rs. 5,25,000/- as compensation to respondent No. 2 as full and final

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settlement. The father of the deceased has since passed away after the settlement deed was entered into.

11. Status report dated 03.05.2025 authored by Insp. Virender Kumar, SHO Mangolpuri has been handed over in Court today and the same is taken on record. As per the status report, a sum of Rs. 5,25,000/-, as agreed in the aforesaid settlement deed, has already been received by the respondent No. 2 and the same has been verified from Sonu Yadav, brother of the deceased.

12. Respondent No. 2, mother of the deceased, appears through video conferencing along with her counsel and acknowledges the receipt of the said settlement amount. An affidavit dated 14.09.2022 of respondent No.2 has also been placed on record stating that the aforesaid compromise was arrived out of her free will and without any threat, force, coercion, pressure or undue influence from the petitioner or any other person.

13. In view of the aforesaid circumstances, and the fact that the parties have put a quietus to the unfortunate episode, no useful purpose will be served in continuing with the present FIR No. 706//2016, under Sections 279/304A of the IPC registered at PS Mangolpuri, Delhi and all other consequential proceedings emanating therefrom including the chargesheet pending in the Court of Ms. Reetika Jain, learned JMFC-05, Rohini Courts, North-West District, Delhi.

14. In totality of facts and circumstance of the case and in the interests of justice, FIR No. 706/20196, under Sections 279/304A of the IPC registered at PS Mangolpuri, Delhi and all other consequential proceedings emanating therefrom including the chargesheet pending in the Court of Ms. Reetika Jain, learned JMFC-05, Rohini Courts, North-West District, Delhi, is hereby quashed.

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15. The present petition is allowed and disposed of accordingly.
16. Pending application(s), if any, also stand disposed of.
17. Copy of the order be sent to the concerned learned Trial Court for necessary information and compliance.
18. Order be uploaded on the website of this Court *forthwith*.

AMIT SHARMA, J

MAY 6, 2025/ ns

Click here to check corrigendum, if any

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