



2025:DHC:4448



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

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Date of decision: 27.05.2025

+ **CRL.M.C. 3092/2025**

SUSHIL SAXENA

....Petitioner

Through: Mr. Prabhat Saini, Advocate
(through vc)

Petitioner is present through vc

versus

THE STATE GOVT. OF NCT OF DELHI AND ANR.

...Respondents

Through: Mr. Satinder Singh Bawa, APP
for the State with SI Ajay
Kumar, P.S.Ashok Vihar.

Mr. Advocate for respondent
no.2 (through vc) (appearance
not given.

R-2 is present though vc

CORAM:

HON'BLE MR. JUSTICE RAVINDER DUDEJA

JUDGMENT(ORAL)

RAVINDER DUDEJA, J.

Crl. M.A.13680/2025 (Exemption)

Allowed, subject to all just exceptions.



The application stands disposed of.

CRL.M.C. 3092/2025

1. This petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 seeks quashing of FIR NO. 204/2019 Under Sections 279/338 of the Indian Penal Code registered at P.S. Ashok Vihar, and all proceedings arising therefrom pursuant to a settlement between the parties.
2. On 07.06.2019, Mrs. Sharda was hit by a car driven by Sushil Saxena, causing serious injuries to her. She was later diagnosed with fractures at St. Stephen's Hospital on 11.06.2019. Based on her complaint and medical report, an FIR under Sections 279/338 IPC was registered.
3. During the pendency of the proceedings, the parties amicably resolved their disputes through a **compromise/MOU dated 26.04.2025**. Pursuant to this settlement, both parties agreed to mutually resolve all outstanding issues. The said MOU/compromise deed dated 26.04.2025 has been placed on record as **Annexure P4**.
4. Both the parties were presented before the JR on 05.05.2025, for recording their statements, which reads as follows;

“05.05.2025

1. *The present non contentious petition has been filed by the petitioners under Section 528 of the Bhartiya Nagarik Suraksha Sanhita, 2023*



for quashing of the FIR NO. 204/2019 Under Sections 279/338 of the Indian Penal Code registered at P.S. Ashok Vihar on the basis of settlement arrived at between the parties.

- 2. As per the submissions, the matter between the petitioner and R-2 has been amicably settled.*
- 3. Vide separate statement recorded in this behalf, petitioner stated that dispute between him and R-2 has been amicably settled as per the settlement deed dated 26.04.2025. The settlement has been arrived at between the parties herein without any force, coercion, undue influence and pressure. He has signed the settlement deed with his wish and will. Vide separate statement recorded in this behalf, R-2 stated that dispute between R-2 and petitioner has been amicably settled as per the settlement deed dated 26.04.2025. The settlement has been arrived between the parties herein without any force, coercion, undue influence and pressure and the settlement deed has been signed with wish and will.*
- 4. Investigating Officer is present in Court and has duly verified the identity of both the parties. Separate Statement of Investigating Officer has also been recorded.*
- 5. The parties along with their counsels have confirmed that the settlement deed has been duly entered into between them.*
- 6. Learned counsel for State/APP enters appearance and accepts notice. He submits that in view of the statement recorded, let the matter be placed before the Hon ble Court.*
- 7. The compromise/settlement deed is in writing and has been duly signed by both the parties. I have heard both the parties and from the direct dialogue with both the parties, it is observed that the consent of both the parties is found to be genuine and has not been obtained under undue influence or pressure.*
- 8. In view of the above, matter be placed before the Hon ble Court on 27.05.2025.”*



5. Parties have entered their appearance through VC with respective Advocates. They have been identified by their respective counsels as well as by the Investigating Officer SI Ajay Kumar from PS Ashok Vihar.

6. Respondent No. 2 submits that the matter has been amicably settled with the Petitioners without any force, fear, or coercion. She states that she has received Rs.9,36,554.42/- by virtue of decree dated 11.02.2025 passed by the Motor Accident Claim Tribunal. She has no objection to the terms and conditions mentioned in the Compromise/Settlement Deed dated 26.04.2025 and further submits that she has no objection if **FIR No. 204/2019 under Sections 279/338 of the Indian Penal Code, registered at P.S. Ashok Vihar,** along with all pending proceedings arising therefrom, is quashed against the Petitioners.

7. In view of the settlement between the parties, learned Additional PP appearing for the State, also has no objection if the **FIR NO. 204/2019 Under Sections 279/338 of the Indian Penal Code registered at P.S. Ashok Vihar** alongwith pending proceeding is quashed.

8. In *Gian Singh vs State of Punjab (2012) 10 SCC 303*, Hon'ble Supreme Court has recognized the need of amicable resolution of disputes by observing as under:-



"61. In other words, the High Court must consider whether it would be unfair or contrary to the interest of justice to continue with the criminal proceedings or continuation of criminal proceedings would tantamount to abuse of process of law despite settlement and compromise between the victim and the wrongdoer and whether to secure the ends of justice, it is appropriate that criminal case is put to an end and if the answer to the above question(s) is in the affirmative, the High Court shall be well within its jurisdiction to quash the criminal proceedings."

9. In view of the aforesaid circumstances and the fact that parties have put a quietus to the dispute, no useful purpose will be served in continuing with the **FIR NO. 204/2019 Under Sections 279/338 of the Indian Penal Code registered at P.S. Ashok Vihar** and all the other consequential proceeding emanating therefrom.

10. In the interest of justice, the petition is allowed, and **FIR NO. 204/2019 Under Sections 279/338 of the Indian Penal Code registered at P.S. Ashok Vihar** along with all the other consequential proceeding emanating therefrom is hereby quashed.

11. Petition is allowed and disposed of accordingly.

12. Pending application(s), if any, also stand disposed of.

RAVINDER DUDEJA, J

MAY 27, 2025/na