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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 5231/2024**
SAMIT YADAVPetitioner

Through: Mr. Siddharth Aggarwal, Sr. Adv.
with Mr. Siddharth Satija, Mr.
Sowjhanya Shankaran, Mr. Akash
Sachan, Mr. Vishwajit Singh and Ms.
Anuka Bachawat, Advs.
Petitioner in person.

versus

STATE OF NCT OF DELHI THROUGH SHO & ORS.

.....Respondents

Through: Mr. Ajay Vikram Singh, APP for State
with SI Mahesh Kumar PS Vasant
Vihar
Respondent nos. 2 to 5 in person.

CORAM:
HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER
14.01.2025

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CRL.M.A. 19981/2024 (exemption)

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

CRL.M.C. 5231/2024

3. The present petition has been filed under Section 482 CrPC seeking quashing of FIR No.78/2021 under Sections 186/353/279/304/304A/427 IPC registered at Police Station Vasant Vihar and all consequential proceedings emanating therefrom on the ground that the parties have arrived at a settlement.
4. Notice in the petition was issued *vide* order dated 11.07.2024.



5. The petitioner, as well as, respondent nos. 2 to 5 are present in the Court and they have been identified by the Investigating Officer SI Mahesh Kumar PS Vasant Vihar.
6. The brief facts of the case are that one Munshilal, who was the husband of the respondent no.2 and father of respondent nos. 3 to 5, met with a road accident and passed away.
7. The offending vehicle in the present case was being driven by the present petitioner.
8. Mr. Siddharth Aggarwal, the learned senior counsel appearing on behalf of the petitioner submits that during the pendency of proceedings, the parties arrived at a settlement, terms whereof were reduced in writing in the form of Memorandum of Understanding dated 08.05.2024, which is annexed as Annexure A-7 to the present petition.
9. It is a term of the settlement that the petitioner shall pay full and final settlement amount of Rs. 15,00,000/- to respondent nos.2 to 5.
10. The respondent nos. 2 to 5, who are present in Court affirm the factum of settlement and state that they have no objection in case the aforesaid FIR is quashed. They further state that they have no objection in case the demand draft is paid in the name of the mother of the parties i.e. respondent no.2.
11. The compensation amount of Rs. 15,00,000/- has been paid to the respondents no. 2 to 5 by way of Demand Draft bearing No.141528 dated 06.12.2024 issued by HDFC Bank in the name respondent no.2.
12. The receipt of entire amount of Rs.15,00,000/- is acknowledged by the respondent no.2, who is present in court.
13. The respondent no.2, on a query posed by the Court, states that she has no objection in case the FIR is quashed.



14. At this stage, apt would it be to refer to the observations of the Supreme Court in *Gian Singh v. State of Punjab*, (2012) 10 SCC 303: (SCC p. 340, para 58)

“58. Where the High Court quashes a criminal proceeding having regard to the fact that the dispute between the offender and the victim has been settled although the offences are not compoundable, it does so as in its opinion, continuation of criminal proceedings will be an exercise in futility and justice in the case demands that the dispute between the parties is put to an end and peace is restored; securing the ends of justice being the ultimate guiding factor.”

15. In view of the settlement between the parties, the ultimate chances of conviction in the case are bleak, therefore, continuation of criminal proceedings will not serve any useful purpose and it will be an exercise in futility.

16. It is, thus, in the interest of justice that the present FIR and all the other proceedings emanating therefrom be quashed.

17. Consequently, the petition is allowed and the FIR No.78/2021 under Sections 186/353/279/304/304A/427 IPC registered at Police Station Vasant Vihar alongwith all other proceedings emanating therefrom, is quashed.

18. The petition stands disposed of in the above terms.

19. Order be uploaded on the website of this Court.

VIKAS MAHAJAN, J

JANUARY 14, 2025/N.S. ASWAL