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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CRL.M.C. 6240/2025, CRL.M.A. 26388/2025 & CRL.M.A.
26389/2025

SHIBHA VOHRA

.....Petitioner

Through: Mr. Rahul Gupta, Mr. Mehendra
Pratap, Mr. Raghwendra Pratap Rao,
Advocates with Petitioner in person

versus

STATE GOVT OF NCT OF DELHI & ANR.Respondents

Through: Mr. Ajay Vikram Singh, APP for the
State with SI Satish Bhati, PS Sarita
Vihar with Respondent No. 2 in
person

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER
03.09.2025

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1. The present petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023¹ (corresponding to Section 482 of the Code of Criminal Procedure, 1973²) seeks quashing of FIR No. 98/2024 dated 19th March, 2024, registered under Sections 279/337 of the Indian Penal Code, 1860³ at P.S. Sarita Vihar, Delhi and all consequential proceedings emanating therefrom. Upon conclusion of investigation, a chargesheet was filed *qua* the Petitioner under Sections 279 and 338 of IPC.

¹ "BNSS"

² "CrPC"

³ "IPC"



2. Briefly stated, the case of the prosecution against the Petitioner is as follows:

2.1. On 1st March, 2024, during emergency duty, SI Pradeep Sharma received a PCR call regarding an accident near Sarita Vihar, Delhi. Upon reaching, he could not trace the injured, Mohd. Javed, however, he later learnt the injured had been moved to Apollo Hospital. Thereafter, SI Pradeep received another PCR call from the said Hospital regarding the MLC of the injured, which noted injuries sustained in a road accident involving a two-wheeler and a four-wheeler.

2.2. On 19th March, 2024, after recovering from his injuries, the complainant/injured appeared before the police and stated that on 1st March, 2025, at about 10:15 AM, while returning from a petrol pump, he was struck by a Brezza car which was being driven at a high speed and in a rash and negligent manner by a woman. As a result, he fell on the road and sustained injuries. According to the complainant, the said vehicle stopped for a short while, but the driver and her companion did not render any help and instead fled from the spot. A passerby chased the vehicle, took its photograph and showed the same to the complainant, and the offending vehicle was identified as Brezza bearing No. DL3CCE9390.

2.3. On the basis of the statement of the complainant and the MLC, an FIR under Sections 279 and 337 IPC was registered. During investigation, the place of occurrence was inspected, site plan prepared, and the complainant confirmed his statement in his 161 CrPC statement.

2.4. During investigation, the registered owner of offending vehicle was traced as the Petitioner, Shibha Vohra. When contacted, she admitted that she was driving the vehicle at the relevant time, however, she claimed that it



was the motorcycle which had hit her car from the left side. During interrogation, she admitted her involvement in the accident and accordingly, she was arrested but later released on bail.

2.5. During further investigation, the Complainant provided the photo of the offending vehicle and documents of his two-wheeler, while the accused later produced her car and documents. Both vehicles were taken into possession and inspected. On receipt of final MLC, the doctor opined the injury of Mohd. Javed as 'grievous' in nature and consequently, *via* chargesheet, Section 338 IPC was added in place of Section 337 IPC.

3. The parties state that they have arrived at settlement voluntarily, out of their own free will and without any force, pressure or coercion before the Mediation Centre, Saket Courts, New Delhi, wherein, by order dated 24th July, 2025, the settlement between the parties was duly recorded.

4. A copy of the settlement has been placed on record and perused by the Court. As per its terms, Respondent No. 2 has mutually resolved the disputes with the Petitioner and has agreed to voluntarily give his no objection to the quashing of the subject FIR. To this effect, his Affidavit/No Objection Certificate is duly placed on record. In furtherance of the settlement, the Petitioner agreed to pay a total sum of INR 25,000/- to Respondent No. 2 as the final settlement amount. The first instalment of INR 10,000/- was paid to Respondent No. 2 on the date of arriving at the settlement, which was recorded in the aforesaid order. The balance amount i.e., INR 15,000/- was agreed to be paid on or before 17th September, 2025.

5. In view of the settlement, the complainant/injured, who has appeared before the Court and is identified by the Investigating Officer, has unequivocally stated that he does not wish to pursue the FIR proceedings.



He has confirmed that his decision to settle the matter is voluntary and made without any undue influence or coercion. As regards the balance amount of INR 15,000/-, the same has been handed over, in cash, by the Petitioner to Respondent No. 2 and the receipt has been duly acknowledged. A copy of the cash receipt has been handed over across the board and is taken on record. The Petitioner has also joined the proceedings in person and is duly identified by the Investigating Officer. In light of the amicable resolution between the parties, the Petitioner seeks quashing of the impugned FIR and all proceedings arising therefrom.

6. The Court has considered the submissions of the parties. While the offence punishable under Section 279 of IPC is non-compoundable, the offence punishable under Section 338 of IPC is compoundable by the person so caused harm, with the permission of the Court.

7. It is well settled that in the exercise of its inherent powers under Section 482 CrPC (corresponding to Section 528 BNSS), the Court may, in appropriate cases, quash proceedings in respect of non-compoundable offences if the parties have reached a genuine settlement and no overarching public interest is adversely affected. The Supreme Court in **Gian Singh v. State of Punjab & Anr.**⁴ has held as follows:

“11. As discussed above, offence punishable under Section 186/332/353 of the IPC are non-compoundable being of serious nature, however, if the Court feels that continuation of criminal proceedings will be an exercise in futility and justice in this case demands that the dispute between the parties is put to an end and peace is restored, it can order for quashing of the FIR or criminal proceedings as it is the duty of the Court to prevent continuation of unnecessary judicial process.

12. In view of the law discussed above, considering the Settlement arrived at between the parties and the statements of respondent no.1 & 2, I am of the considered opinion that this matter deserves to be given a

⁴ (2012) 10 SCC 303



quietus as continuance of proceedings arising out of the FIR in question would be an an exercise in futility.”

[Emphasis added]

8. Further, in *Narinder Singh & Ors. v. State of Punjab & Anr.*,⁵ the Supreme Court held as follows:

“29. In view of the aforesaid discussion, we sum up and lay down the following principles by which the High Court would be guided in giving adequate treatment to the settlement between the parties and exercising its power under Section 482 of the Code while accepting the settlement and quashing the proceedings or refusing to accept the settlement with direction to continue with the criminal proceedings:

29.1. Power conferred under Section 482 of the Code is to be distinguished from the power which lies in the Court to compound the offences under Section 320 of the Code. **No doubt, under Section 482 of the Code, the High Court has inherent power to quash the criminal proceedings even in those cases which are not compoundable, where the parties have settled the matter between themselves.** However, this power is to be exercised sparingly and with caution.

29.2. **When the parties have reached the settlement and on that basis petition for quashing the criminal proceedings is filed, the guiding factor in such cases would be to secure:**

(i) ends of justice, or

(ii) to prevent abuse of the process of any court.

While exercising the power the High Court is to form an opinion on either of the aforesaid two objectives.

29.3. Such a power is not to be exercised in those prosecutions which involve heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. Such offences are not private in nature and have a serious impact on society. Similarly, for the offences alleged to have been committed under special statute like the Prevention of Corruption Act or the offences committed by public servants while working in that capacity are not to be quashed merely on the basis of compromise between the victim and the offender.

29.4. On the other hand, those criminal cases having overwhelmingly and predominantly civil character, particularly those arising out of commercial transactions or arising out of matrimonial relationship or family disputes should be quashed when the parties have resolved their entire disputes among themselves.

29.5. While exercising its powers, the High Court is to examine as to

⁵ (2014) 6 SCC 466



whether the possibility of conviction is remote and bleak and continuation of criminal cases would put the accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal cases.”

[Emphasis Supplied]

9. Although the offence under Section 279 of IPC cannot be treated as strictly ‘*in personam*’, and it touches upon public concerns rather than being confined to individual grievances, the Court must also account for the practical realities of securing a conviction in the present case. The Supreme Court has consistently held that in cases where the complainant has entered into a voluntary and *bona fide* settlement, and is no longer inclined to support the prosecution, the prospect of securing a conviction becomes exceedingly remote. In such circumstances, continuing the prosecution may not only prove futile, but would also serve no worthwhile public interest.

10. The Complainant, who has appeared before the Court in person, has categorically expressed his unwillingness to pursue the matter further and has confirmed the settlement as voluntary and devoid of any coercion. Given this background, the continuation of criminal proceedings would amount to an empty formality, adding to the burden of the justice system and consuming public resources unnecessarily. Having regard to the totality of circumstances, and in view of the legal principles laid down by the Supreme Court, this Court finds the present case to be an appropriate one for exercise of jurisdiction under Section 528 of BNSS (corresponding to Section 482 of the CrPC) to secure the ends of justice.

11. In view of the foregoing, the present petition is allowed and FIR No. 98/2024 dated 19th March, 2024, registered under Sections 279/337 of IPC at P.S. Sarita Vihar, Delhi and all consequential proceedings emanating



therefrom are hereby quashed.

12. However, since the State machinery was set in motion based on the impugned FIR, it is appropriate to impose costs on the Petitioner. Accordingly, the Petitioner is directed to deposit INR 5,000/- with the Delhi Police Welfare Fund, within a period of three weeks from today.

13. The parties shall remain bound by the terms of settlement.

14. Accordingly, the petition is disposed of along with pending application(s).

SANJEEV NARULA, J

SEPTEMBER 3, 2025/ab