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

+ **CRL.M.C. 10019/2024**

HARSHNEET SINGH MARWAH

.....Petitioner

Through: Mr. R.K. Dhawan, Ms. Nisha
Dhawan, Mr. V.K. Teng, Mr. Naman
Kumar Thakur and Ms. Jyoti Sahai
Joshi, Advocates.

versus

**THE STATE GOVT. OF NCT OF
DELHI AND ANR.**

.....Respondents

Through: Mr. Digam Singh Dagar, APP for the
State with SI Rohit
Mr. Devinder Pal and Harshneet
Singh Marwah, Advocates for R-2,
R-3 & R-4

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

17.01.2025

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1. The present petition has been filed under Section 528 of BNSS, 2023 seeking quashing of FIR No. 7/2012 under Sections 279/304A IPC read with Section 184 of the Motor Vehicle Act registered at Police Station Vasant Kunj (North), Delhi along with all other proceedings emanating therefrom on the ground that the parties have arrived at a settlement.
2. Issue notice. Learned APP appearing on behalf of the State accepts notice. Likewise, the learned counsel appearing for the respondent nos. 2 to 4 also accepts notice. Learned APP appearing for the State submits that State has no objection in case the aforesaid FIR is quashed.
3. The petitioner as well as respondent nos. 2 to 4 are present in Court



and they have been identified by the I.O/ SI Rohit, Police Station Vasant Kunj (North), Delhi. Respondent no. 2 is wife of the deceased whereas the respondent nos. 3 and 4 are sons of the deceased. Respondent no. 4 is a major son while the respondent no. 3 is a minor son.

4. The brief facts of the case are that the car being driven by the petitioner had hit the auto being driven by the deceased due to which the deceased was injured and succumbed to the injuries, which led to the registration of the aforesaid FIR.

5. During the pendency of proceedings, the parties have arrived at a settlement, the terms whereof have been reduced in writing in the form of a Mutual Compromise/Memorandum of Understanding dated 14.11.2024, a copy of which is annexed as Document-3 to the present petition.

6. As per the terms of compromise, the petitioner has agreed to pay a full and final settlement amount of Rs. 26 lakhs to the legal heirs of the deceased who have been arrayed as respondent nos. 2 to 4. Out of the said amount, a sum of Rs. 1 lakh has already been paid to the private respondents and the balance amount of Rs. 25 lakhs has been paid by way of Demand Draft No. 004746 dated 12.12.2024 for a sum of Rs. 16,67,000/- and Demand Draft No. 004745 dated 11.12.2024 for a sum of Rs. 8,33,000/- issued in favour of Mrs. Raj Laxmi and Mr. Adyashakti, respectively.

7. It is also recorded in the Compromise that the respondent nos. 2 to 4 shall cooperate with the petitioner for quashing of the aforesaid FIR.

8. Respondents who are present in Court, on a query posed by the Court, affirm the factum of settlement and state that they have no objection in case the aforesaid FIR is quashed.

9. 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.”

10. 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.

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

12. Consequently, the petition is allowed and the FIR No. 7/2012 under Sections 279/304A IPC read with Section 184 of the Motor Vehicle Act registered at Police Station Vasant Kunj (North), Delhi alongwith all other proceedings emanating therefrom, is quashed.

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

VIKAS MAHAJAN, J

JANUARY 17, 2025

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