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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 10063/2024**
GUNMANT SINGHPetitioner

Through: Mr. Ankit Jain, Sr. Adv. with Mr.
Chirag Khurana and Mr. Vipin Baisla,
Adv.

versus

STATE GOVT. OF NCT OF DELHI AND ANR.Respondents

Through: Mr. Utkarsh, APP for State with SI
Rohit, PS. Rajouri Garden.
Mr. Sandeep Bidhuri, Adv. for R-2.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

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19.02.2025

1. The present petition has been filed under Section 528 BNSS, 2023 seeking quashing of FIR No.33/2021 under Sections 279/304A IPC registered at Police Station Rajouri Garden and all consequential proceedings emanating therefrom on the ground that the parties have arrived at a settlement.
2. Issue notice. The learned APP for the State accepts notice. He submits that since the FIR is an outcome of an accident resulting into death of husband of the respondent no.2 and the parties have arrived at a settlement, the State has no objection in case the FIR in question is quashed.
3. The petitioner, as well as, the respondent no. 2 (wife of the deceased), are present in Court and they have been identified by their respective counsel, as well as, by the Investigating Officer SI Rohit, PS. Rajouri Garden.
4. The brief facts of the case as noted from the FIR are that on 12.01.2021, SI Vikas Fageria received a DD related to an accident having occurred at Raja Garden Chowk, New Delhi. On reaching the spot of accident, SI Vikas found



an accidental scooty. After further investigation, it came to light that car driven by petitioner had collided with scooty of deceased husband and thus, the present FIR and the charge sheet were filed against the petitioner under Sections 279/304A IPC. However, during pendency of criminal proceeding, the parties have arrived at a settlement.

5. Mr. Ankit Jain, the learned Senior Counsel for the petitioner submits that besides the compensation amount awarded by the learned MACT to the tune of approximately Rs. 30 lacs, the petitioner has further agreed to pay an amount of Rs. 8.50 lacs to the respondent no.2, who is stated to be the sole legal heir of the deceased i.e., Mr. Sachin Kumar. The terms of settlement between the parties have been reduced in writing in the form of Settlement-cum-Compromise Deed, which is annexed as Annexure C to the present petition.

6. The learned APP submits that the amount of the settlement is on the lower side.

7. At this stage, Mr. Jain, on instructions from the petitioner, who is present in Court, has proposed to enhanced the settlement amount to Rs. 10 lacs.

8. On a query posed by the Court, the respondent no.2, who is present in Court, states that she is satisfied with the amount of revised settlement amount of Rs. 10 lacs. Out of the revised settlement amount, a sum of Rs. 50,000/- has already been paid by the petitioner to the respondent no.2. Further amount of Rs. 8 lacs has been paid to the respondent no.2 today in the Court by the petitioner by way of Manager's Cheque bearing No.000282 dated 19.12.2024 issued by HDFC Bank.

9. The receipt of an amount of Rs.8.50 lacs is acknowledged by the



respondent no.2, who is present in Court.

10. Mr. Jain, on instructions from the petitioner, submits that the petitioner undertakes to pay the balance amount of Rs. 1.50 lacs within a period of three weeks from today. Let the said amount be paid within the period as undertaken and an affidavit of compliance be filed by the petitioner within a period of two weeks thereafter.

11. The respondent no.2, states that she has no objection in case the FIR is quashed.

12. In view of the fact that the parties have arrived at a settlement, no useful purpose will be served in continuing the proceedings, rather the same would create further acrimony between them.

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

14. Consequently, the petition is allowed and the FIR No.33/2021 under Sections 279/304A IPC registered at Police Station Rajouri Garden alongwith all other proceedings emanating therefrom, is quashed subject to the payment of balance amount of Rs. 1.50 lacs.

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

16. List for compliance on 21.04.2025.

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

VIKAS MAHAJAN, J

FEBRUARY 19, 2025/dss