

(2025) 12 DEL CK 1912

In the Delhi High Court

Case No : Criminal Miscellaneous Petition No. 8518 Of 2025 & Criminal
Miscellaneous Application No. 35598 Of 2025

Abhay Gahlot

APPELLANT

Vs

State Of Nct Of Delhi & Anr.

RESPONDENT

Date of Decision : 01-12-2025

Acts Referred:

Bharatiya Nagarik Suraksha Sanhita, 2023 — Section 528
Code of Criminal Procedure, 1973 — Section 482
Indian Penal Code, 1860 — Section 279, 337
Motor Vehicle Act, 1954 — Section 119

Citation : (2025) 12 DEL CK 1912

Hon'ble Judges : Ravinder Dudeja, J

Bench : Single Bench

Advocate : Hitesh Rai, Anushree Chatterjee, Nawal Kishore Jha, Amar Shankar

Final Decision : Allowed

Judgement

Ravinder Dudeja, J

1. This is a petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, seeking quashing of FIR No. 469/2020, dated 05.10.2020, registered at P.S North Rohini, District Rohini, Delhi under Sections 279/337 IPC & 119 of Motor Vehicle Act, 1954 and all proceedings emanating therefrom on the basis of settlement between the parties.

2. As per allegations made in the FIR, On 05.10.2020 at around 1:25-1:30 AM, respondent no. 2's white Honda City (HR 10S 0908) was hit by a petitioner's Toyota Fortuner (DL 2FHD 0088) when he jumped a red light while respondent no. 2 proceeded on green, causing his car to collide with a divider and thereby causing injuries. Chargesheet has since been filed under sections 279/337 IPC & 119 of Motor Vehicle Act, 1954 against the petitioner.

3. It has been submitted that during the course of proceedings, the parties

amicably resolved their disputes before the Motor Accident Claims Tribunal, Rohini Courts and in terms of the award dated 27.05.2024 passed by the tribunal, petitioner has paid the settlement amount of Rs. 55,000/- (Rupees Fifty Five Thousand only) to respondent no. 2 and Insurance company has deposited Rs. 5,000/-with MACT. Copy of the Award dated 27.05.2024 has been annexed as Annexure P3.

4. Petitioner is physically present before the Court while respondent No. 2 has entered his appearance through VC. They have been identified by their respective counsels as well as by the Investigating Officer SI Sudesh, PS-Rohini North.

5. Respondent no. 2 confirms that the matter has been amicably settled with the petitioner without any force, fear, coercion and he has received the entire settlement amount and has no objection if the FIR No. 469/2020 is quashed against the petitioner.

6. In view of the settlement between the parties, learned Additional PP appearing for the State, also has no objection if the present FIR No. 469/2020 is quashed.

7. 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."

8. Further, it is settled that the inherent powers under section 482 of the Code are required to be exercised to secure the ends of justice or to prevent abuse of the process of any court. Further, the High Court can quash non-compoundable offences after considering the nature of the offence and the amicable settlement between the concerned parties. Reliance may be placed upon *B.S. Joshi v. State of Haryana*, (2003) 4 SCC 675.

9. While it is true that the offence under Section 279 of IPC is not an offence in personam, thereby that it affects society at large and not just the individual complainant, the Court must also take into account the practical realities of securing a conviction in the present case. The Supreme Court has consistently held that where the chances of conviction are remote due to an amicable settlement between the parties, the Court should consider whether continuing the prosecution would serve any meaningful purpose.

10. In view of the above facts that the parties have amicably resolved their differences out of their own free will and without any coercion, it would be in the

interest of justice, to quash the abovementioned FIR and the proceedings pursuant thereto.

11. The petition is allowed, and the FIR No. 469/2020, dated 05.10.2020, registered at P.S North Rohini, District Rohini, Delhi under sections 279/337 IPC & 119 of Motor Vehicle Act, 1954 and all the other consequential proceeding emanating therefrom is hereby quashed.

12. Petition is allowed and disposed of accordingly.

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