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**(2013) 09 DEL CK 0299**  
**In the Delhi High Court**  
**Case No : Criminal M.C. 1321 of 2013**

Ashok Kumar

APPELLANT

Vs

State and Another

RESPONDENT

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**Date of Decision :** 19-09-2013

**Acts Referred:**

**Citation :** (2014) 2 AD 351 : (2014) 210 DLT 30 : (2014) 1 JCC 432

**Hon'ble Judges :** Sunil Gaur, J

**Bench :** Single Bench

**Advocate :** Sunil Kumar Singh, for the Appellant; Vinod Diwakar, Additional Public Prosecutor for State, A.S.I. Subhash, Manas Kumar and Mr. Saurabh Sachin, Advocates for Respondents No. 2 and 3, for the Respondent

**Final Decision :** Allowed

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## Judgement

Sunil Gaur, J.—Quashing of FIR No. 267/2011, u/s 279/304A of the IPC, registered at police station G.T.B. Enclave, Delhi is sought in this petition on the basis of Compromise Deed of 6th March, 2013 between the legal heirs of the deceased and petitioner. Learned counsel for petitioner submit that the deceased was aged about seventy years and he had suddenly come in front of the car of petitioner and there was no rashness or negligence on the part of petitioner. However, it is submitted that the legal heirs of the deceased have been suitably compensated and they also received the compensation from the Motor Accidents Claims Tribunal.

2. Learned Additional Public Prosecutor for respondent-State submits that the factum of compromise and respondents No. 2 & 3, who are the legal heirs of deceased, having received the compensation amount stands verified and Status Reports has been placed on record.

3. Mr. Manas Kumar, Advocate, appearing for respondent No. 2 & 3 submits that they are the only surviving legal heirs of deceased and they are present in the Court. Learned counsel on instructions from respondents No. 2 & 3 confirms the

factum of their having received the compensation amount before the Motor Accidents Claims Tribunal.

4. Respondent No. 2 & 3 are present in the Court and on the basis of identify proof furnished by them, they have been identified to be the legal heirs of deceased by ASI Subhash, Investigating Officer of this case.

5. Learned counsel for petitioner submits that in terms of aforesaid Compromise Deed of 6th March, 2013, a sum Rs. 50,000/- in cash has been handed over to respondents No. 2 & 3 today in the Court and they have accepted it.

6. Respondents No. 2 & 3 affirm the content of Compromise Deed of 6th March, 2013 and submit that are only heirs of the deceased and that they have received the entire settled amount and that these proceedings be brought to an end.

7. In "Gian Singh v. State of Punjab" (2002) 10 SCC 303 Apex Court has recognized the need of amicable resolution of disputes in cases like the instant one, by observing as under:

However, certain offences which overwhelmingly and predominantly bear civil flavor having arisen out of civil, mercantile, commercial, financial, partnership or such like transactions or the offences arising out matrimony, particularly relating to dowry, etc. or the family dispute, where the wrong is basically to the victim and the offender and the victim have settled all disputes between them amicably, irrespective of the fact that such offences have not been made compoundable, the High Court may within the framework of its inherent power, quash the criminal proceeding or criminal complaints or FIR if it is satisfied that on the face of such settlement, convicted and by not quashing the criminal proceedings, justice shall be casualty and ends of justice shall be defeated.

8. In the peculiar facts and circumstances of this case and in view of the Status Reports and the Compromise Deed of 6th March, 2013, I find that continuance of proceeding arising out of FIR in question would be an exercise in futility.

9. This petition is accordingly allowed subject to cost of Rs. 10,000/- to be deposited by petitioner with the Prime Minister's Relief Fund within four weeks and receipt thereof be placed on record. Subjected to deposit of the aforesaid cost, FIR No. 267/2011, u/s 279/304A of the IPC, registered at police station G.T.B. Enclave, Delhi and proceedings emanating there-from are quashed qua-petitioner.