

(2016) 05 DEL CK 0189
In the Delhi High Court
Case No : CrI. M .C. No. 3510 of 2015

Kanwar Singh

APPELLANT

Vs

State & Another

RESPONDENT

Date of Decision : 26-05-2016

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 482
Penal Code, 1860 (IPC) — Section 279, 304A

Citation : (2016) 2 JCC 1334

Hon'ble Judges : S.P. Garg, J.

Bench : Single Bench

Advocate : Mr. Manohar Kumar, T.N. Tripathi and Ms. Prerana Singh, Advocates, for the Appellant; Mr. Vinod Diwakar, APP and Mr. Mahender Kumar, Advocate, for the Respondent

Final Decision : Dismissed

Judgement

S.P. Garg, J.(Oral) - Present petition under Section 482 Cr.P.C. has been preferred by the petitioner for quashing of FIR No. 210/12 under Sections 279/304A IPC registered at Police Station Civil Lines. It is stated that the matter has been settled with the legal heirs of the deceased.

2. I have heard the learned counsel for the parties and have examined the file. Counsel for the petitioner urged to quash the FIR in question as the matter has been settled with the victim's wife and she has agreed to get Rs. 1,00,000/-. She has already received compensation of Rs. 30,65,300/- from M.A.C.T.

3. It is pertinent to note that similar petition (CrI.M.C. 514/2015) was filed for quashing of the FIR in question by the petitioner and it was dismissed as withdrawn by an order dated 10.02.2015 by the Coordinate Bench. The petitioner has not furnished any reasons to present second petition on similar grounds without any change in circumstances. Apparently, the petitioner intended to get chance before some other Bench to get the FIR in question quashed on the basis of the settlement.

4. The petitioner is facing trial under Sections 279/304A IPC since 2012. Allegations in the FIR are that while driving the vehicle in rash and negligent manner, he first struck against one Mahindra Car and thereafter hit a scooterist and caused injuries as a result of which the scooterist expired in the hospital. Compensation of Rs. 30,65,300/- has been awarded by the M.A.C.T. to the legal heirs of the deceased. In the instant case, the petitioner impleaded only respondent No. 2 Neelam Devi, deceased victim's wife as a party. Subsequently, amended memo of parties impleading other legal heirs of the deceased had been filed.

5. Memorandum of understanding reveals that the matter has been settled only with Neelam Devi, victim's wife.

6. Allegations against the petitioner are very serious and offence under Section 279 IPC is against the public at large; it cannot be compounded by the victim's wife. On payment of paltry amount of Rs. 1,00,000/-, the petitioner can't be absolved of commission of serious offence.

7. Considering the facts and circumstances of the case and gravity of the offence, I find no merit in the present petition for quashing of the FIR in question merely on the basis of settlement with the victim's wife.

8. The petition is dismissed. Copy of the order be sent to the Court concerned for information.