
(2025) 07 DEL CK 1005

In the Delhi High Court

Case No : Criminal Miscellaneous Petition No. 5069 Of 2025 & Criminal Miscellaneous Petition No. 21966 Of 2025

Vipin Gupta

APPELLANT

Vs

State Nct Of Delhi And Ors

RESPONDENT

Date of Decision : 30-07-2025

Acts Referred:

Indian Penal Code, 1860 — Section 279, 304A

Citation : (2025) 07 DEL CK 1005

Hon'ble Judges : Girish Kathpalia, J

Bench : Single Bench

Advocate : Harsh Gupta, Bhojraj, Manjeet Arya, Mukul Verma, Vishesh Tyagi

Final Decision : Dismissed

Judgement

Girish Kathpalia, J

1. Petitioner seeks quashing of FIR No. 272/2023 of PS Paharganj for offence under Section 279/304A IPC on the ground that he has compromised the disputes with the legal representatives of the deceased.

2. At the outset, learned APP accepting notice records strong objection to this petition, and rightly so.

3. I have heard learned counsel for the petitioner.

4. Broadly speaking, case set up by prosecution is that the petitioner, while driving his Ertiga Car in a rash and negligent manner hit the e-rickshaw due to which the e-rickshaw overturned and a five year old child got crushed under the same; and on being taken to the RML Hospital the child was declared dead.

5. Learned counsel for the petitioner submits that it is the e-rickshaw driver, who was drunk and caused the accident. Learned counsel for the petitioner also submits that there were six passengers in the e-rickshaw, though the permissible passenger load is only four. It is further submitted by learned counsel that the

petitioner was not driving his car in a rash and negligent manner.

6. As regards the allegation about the e-rickshaw driver being drunk, the Investigating Officer/ASI Mohan Singh present with the copy of investigation file submits that there is no such material on record. It is specifically submitted by the Investigating Officer that driver of the e-rickshaw was not found under influence of liquor.

7. Rather, from the investigation file it appears that after the accident, the petitioner was apprehended on the spot along with the offending car and was handed over to the police. So far as the contention that the petitioner was not driving the car in a rash and negligent manner, I have examined the material on investigation file including the photographs. However, this would be a matter of trial, so it would not be appropriate for me to record my observations and opinion on this aspect.

8. According to the settlement arrived at between the petitioner and legal representatives of the deceased child, a sum of Rs. 1,00,000/- has been agreed by the parties as a compensation to be paid by the petitioner to the legal representatives, who are private respondents herein.

9. In my considered view, quashing the FIR after approving such a settlement would be tantamount to sanctifying blood money, which is not recognized by our legal system. No civilized society would approve of blood money. It is the deceased child who suffered injuries and pain, followed by loss of life. That deceased child cannot be compensated in any manner. The legal representatives left behind by the deceased child have no moral or legal authority to barter away his life for money to be paid to them.

10. Therefore, I do not find it a fit case to quash FIR on the ground of the alleged settlement. The petition is dismissed. Pending application also stands disposed of.