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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(CRL) 1314/2022 with CRL.M.A. 11310/2022

ASHISH MITTAL

..... Petitioner

Through: Ms. Shruti Shiv Kumar, Mr. Ankit Borker, Advocates with petitioner in person

versus

THE STATE & ANR.

..... Respondents

Through: Mr. Rajesh Mahajan, ASC with Mr. Ranjeeb Kr. Bora, Advocates for State
Respondent no.2 in person with counsel

CORAM:

HON'BLE MR. JUSTICE SUDHIR KUMAR JAIN

ORDER

% **01.06.2022**

1. Issue notice. Mr. Rajesh Mahajan, Additional Standing Counsel accepts notice on behalf of the respondents.
2. The present petition is filed under Article 226 of the Constitution of India read with section 482 of Code of Criminal Procedure (hereinafter referred to as "Cr.P.C.") for quashing of FIR bearing no.611/2018 registered under sections 279/338 of Indian Penal Code (hereinafter referred to as "IPC") at P.S. Kapashera, Delhi.
3. FIR bearing no. 611/2018 dated 23.12.2018 was got registered under sections 279/337 at P.S Kapashera, Delhi, on the complaint of respondent no.2 pertaining to the accident happened on 22.12.2018. After investigation,



the charge sheet was filed for the offences punishable under sections 279/338 IPC. The petitioner and the respondent no.2 are identified by the Investigation Officer and their respective counsel.

4. The trial arising out of FIR bearing no. 611/2018 is pending in the Court of Ms. Apoorva Rana, MM-10, Dwarka Courts and during the pendency of trial, the application under section 320 Cr.P.C. for compounding of offence punishable under section 338 IPC was filed in terms of the settlement dated 02.03.2022. The concerned Trial Court allowed the compounding for offence under section 338 IPC and accordingly, the petitioner was ordered to be acquitted for the offence punishable under section 338 IPC. The respondent no.2 stated that he has already received the suitable compensation in terms of the settlement dated 02.03.2022.

5. The counsel for the petitioner stated that as the offence punishable under section 279 IPC is not compoundable and due to this reason, the present petition has been filed. The counsel for the petitioner further stated that as the petitioner and the respondent no.2 who is the injured, have compounded the substantive offence under section 338 IPC then the present petition be allowed and FIR bearing no.611/2018 in respect of offence punishable under section 279 IPC be quashed. The respondent no.2 also stated that he has already received suitable compensation and as such he does not have any objection if FIR bearing no.611/2018 pertaining to offence under section 279 IPC is allowed to be quashed.

6. The Additional Standing Counsel also stated that he does not have any objection if the FIR bearing no.611/2018 is allowed to be quashed in relation to offence punishable under section 279 IPC. The petitioner and the



respondent no.2, who already compounded the offence under section 338 IPC and the respondent no.2 has already received the suitable compensation from the petitioner to his satisfaction for the offence under section 338 IPC. No useful purpose would be achieved, if the trial is allowed to be continued before the Trial Court.

7. After considering all facts, the FIR bearing no.611/2018 registered under sections 279/338 IPC at P.S. Kapashera, Delhi is quashed with all consequential proceedings including judicial proceeding.

8. The petition alongwith pending applications, if any, disposed of.

SUDHIR KUMAR JAIN, J

JUNE 1, 2022/j