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

+ **CRL.M.C. 5038/2022**

SACHIN SHARMA

..... Petitioner

Through: Mr. Vishal Gosain, Mr. Adya R. Luthra and Mr. Chinmay Kanojia, Advocates

versus

STATE OF NCT OF DELHI

..... Respondent

Through: Mr. Aashneet Singh, APP for State
Mr. Tushar Yadav, Advocate for R-2 & R-3

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

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O R D E R
28.09.2022

This is the petition seeking quashing of FIR No. 496/2022 dated 13.09.2022, registered at Police Station Hari Nagar, under Section 308 IPC and proceedings emanating therefrom.

As per the FIR, the complaint was going on his bike with his brother wherein the car of the petitioner hit the bike of the complainant. As a result, the brother of the complainant fell unconscious and was taken to the hospital. As per the MLC, the injuries are opined to be simple. Subsequently, the parties have arrived at an MOU dated 26.09.2022, wherein it was stated that the parties have settled the disputes and the complainant does not wish to proceed with the FIR any further.

It is further stated that the respondent would cooperate with the

petitioner in quashing the FIR. The respondent nos. 2 and 3 i.e. the complainant and his brother are present in Court and are identified by Mr. Tushar Yadav, Advocate. The respondents state that they have arrived at settlement out of their own free will without any threat, pressure, coercion or undue influence. The respondents state that they have no objection if the FIR is quashed.

However, since the parties have settled their disputes, I am of the view that there will be no useful purpose in pursuing the FIR any further. I am also of the view that due to the Act of Commission and Omission on behalf of the petitioner, the police machinery has been set into motion which could have been avoided had the petitioner been more careful and responsible. Considerable judicial time of both the Sessions Court and this Court has been spent. Hence, the petitioner must do some social good.

The petitioner shall provide food to an orphanage not having less than 100 children on both 05.10.2022 as well as 24.10.2022

The learned APP shall identify the orphanage and give the name to Mr. Gosain. The food served should be hygienic, well cooked in safe environment and all COVID-19 protocols must also be followed.

Subject to the above, the FIR No. 496/2022, dated 13.09.2022 registered at Police Station Hari Nagar, under Section 308 IPC is hereby quashed and the petitioner who is in custody in FIR No. 496/2022 is directed to be released forthwith.

The petition is allowed and disposed of subject to the above conditions.

A compliance report must be filed by the petitioner as well as the IO within six weeks.

The order will be communicated with the Jail Superintendent today.

In case, the compliance report is not filed by 10.11.2022, the Registry will put up the file before the Court.

JASMEET SINGH, J

SEPTEMBER 28, 2022/rhc

[Click here to check corrigendum, if any](#)