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

Date of decision: 06.12.2019

+ CRL.M.C. 6270/2019

SCHLOSS CHANAKYA PRIVATE LIMITED Petitioner

Through Mr. K R Chawla, Mr. Vijay Chawla,
Mr. Prashant Mehta & Mr, Dhruv,
Advocates

versus

STATE & ORS.

..... Respondents

Through Mr. K K Ghai, APP for State
SI Kishore, PS Sarojini Nagar
Mr. Prateek Kumar and Mr. Sunil
Sehgal, Advocates for R-2 to 6

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

J U D G M E N T (O R A L)

CRL MA 41996/2019 (exemption)

1. Allowed, subject to all just exceptions.
2. The application stands disposed of.

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3. Vide the present petition, the petitioner seeks directions thereby quashing the FIR No.97/2018 dated 11.08.2018 registered at Police Station-

Sarojini Nagar, New Delhi for the offences punishable under Sections 338/304A IPC and the proceedings emanating therefrom.

4. The present petition has been filed on the ground that petitioner and respondent nos. 2 to 6 have already settled all their disputes vide Memorandum of Settlement dated 03.09.2018 whereby the petitioner has agreed to pay a sum of Rs.17 lacs towards full and final settlement of all claims of respondents. Thus, the aforesaid respondents are no more interested to pursue further the present case against the petitioner.

5. In terms of the settlement, the petitioner has agreed to pay an amount of ₹15 lacs in favour of minor children and the widow of the deceased and ₹1 lac each in favour of the parents of the deceased. It is admitted that out of the total settlement amount of ₹17 lacs, a sum of ₹10 lacs has already been paid to the respondents, by way of FDRs as detailed in the settlement dated 03.09.2018 and the balance amount of Rs.7 lacs has been paid today in the Court in favour of minor children, the widow and the parents of the deceased, by way of demand drafts:- three demand drafts for a sum of Rs.2 lac each and two demand drafts for Rs.50,000/- each, all drawn on State Bank of India, all dated 05.12.2019 bearing nos. 150822 to 150826 respectively.

6. Respondent nos. 2 to 6 are personally present in the Court along with their counsel and have been identified by SI Kishore, IO of the case. They admit the factum of settlement arrived at with the petitioner and submit that in view of the aforesaid settlement and since the entire settlement amount stands received, they do not wish to pursue criminal proceedings against the petitioner anymore.

7. Learned APP for the State though does not oppose the prayer made in the instant petition but submits that since the registration of the aforementioned FIR, the government machinery has been into motion and a lot of public time has already been consumed, therefore, if this Court is inclined to quash the aforementioned FIR, the petitioner may be directed to compensate the respondents, particularly the minor children of the deceased, adequately with an amount that can be utilised at the time of their marriage, on attaining majority.

8. Mr. Pawan Bhatnagar, working as Group Head of Security with the petitioner, is personally present in the Court and submits that if this Court is inclined to quash all the criminal proceedings against the petitioner, the

petitioner will pay, whatever amount this Court deems fit, in addition to already paid amount mentioned above.

9. Accordingly, though the respondents are agreeable with the settlement amount of Rs.17 lacs, that now admittedly stand received by them, in the interest of justice and for welfare of the minor children of the deceased, I hereby direct the petitioner to pay an amount of Rs.5 lac each in favour of both the minor children, in addition to the above mentioned settlement amount.

10. Accordingly, I hereby direct the petitioner to pay a sum of ₹5 lac each in favour of minor children and the said amount be paid by way of FDRs in a bank, initially for a period of 5 period in renewal mode and the Manager of the Bank is directed to release the amount with the interest accrued thereupon, to the daughter of the deceased on her attaining the age of 19 years and to the son of the deceased on his attaining the age of 22 years.

11. At this stage, Mr. Pawan Bhatnagar, Group Head of Security for the petitioner prays for some time for preparation of the FDRs in favour of the minor children of the deceased, as directed above.

12. As prayed, four weeks time is granted to the petitioner to comply with the above directions

13. In view of the settlement and above directions, I hereby quash the FIR No.97/2018 dated 11.08.2018 registered at Police Station-Sarojini Nagar, New Delhi for the offences punishable under Sections 338/304A IPC and the proceedings emanating therefrom.

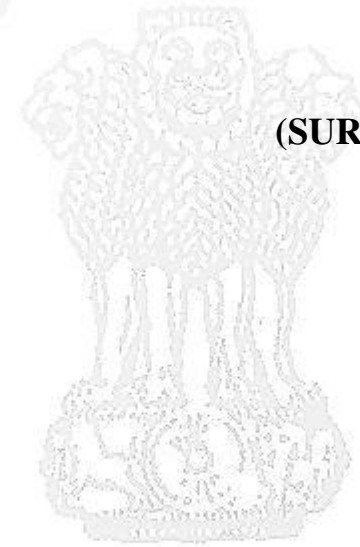
14. The petition stands disposed of accordingly.

15. Order *dasti* under signatures of the Court Master.

(SURESH KUMAR KAIT)
JUDGE

DECEMBER 06, 2019

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