

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

Date of Order: July 19, 2019

+ **CRL.M.C. 1416/2019 & Crl.M.A. 5655/2019**

MR. DEEPAK MADAN Petitioner

Through: Mr. Kamlesh Kumar &
Ms. Satakshi Verma, Advocates
with petitioner in person.

Versus

STATE & ANR. Respondents

Through: Ms. Neelam Sharma, Additional
Public Prosecutor for respondent
No.1-State with ASI Rohtash
Kumar
Respondent No.2 in person.

**CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR**

**ORDER
(ORAL)**

Petitioner seeks quashing of FIR No. 34/2018, under Sections 287/338 of IPC, registered at police station Mayapuri, New Delhi, on the basis of affidavit of respondent No.2 and trial court's order of 4th February, 2019 (*Annexure P-3*). Respondent No.2 is the injured who is employed in the factory owned by petitioner and had sustained injuries while performing his duties in petitioner's factory.

Learned counsel for petitioner submits that the accident in question occurred due to sheer negligence of respondent No.2 and he has been

adequately compensated. Learned counsel for petitioner on instructions assures that second respondent shall remain employed with petitioner and would be paid adequate salary from time to time and that an undertaking in this regard would be placed on record within a week from today.

Upon notice, learned Additional Public Prosecutor for respondent No.1-State submits that respondent No.2 is present in the Court and he has been identified by ASI Rohtash on the basis of identity proof furnished by him.

Respondent No. 2, present in the Court, submits that the incident in question was purely accidental and he has been adequately compensated by petitioner who has also provided artificial limb to him. Respondent No.2 submits that compensation of ₹1,00,000/- has already been given to him and today, he has received demand draft bearing No.286604, dated 8th July, 2019, amounting to ₹50,000/- from petitioner. He affirms the contents of his affidavit of 11th March, 2019 filed in support of this petition and submits that the proceedings arising out of FIR be brought to an end subject to petitioner complying with the aforesaid undertaking.

Supreme Court in *Parbatbhai Aahir @ Parbatbhai Bhimsinhbhai Vs. State of Gujarat* (2017) 9 SCC 641 has reiterated the parameters for exercising inherent jurisdiction under Section 482 Cr.P.C. for quashing of FIR / criminal complaint, which are as under:-

“16.7. As distinguished from serious offences, there may be criminal cases which have an overwhelming or predominant element of a civil dispute. They stand on a distinct footing insofar as the exercise of the inherent power to quash is concerned.

16.8. Criminal cases involving offences which arise from commercial, financial, mercantile, partnership or similar transactions with an essentially civil flavour may in appropriate situations fall for quashing where parties have settled the dispute.

16.9. In such a case, the High Court may quash the criminal proceeding if in view of the compromise between the disputants, the possibility of a conviction is remote and the continuation of a criminal proceeding would cause oppression and prejudice.”

In view of the fact that the incident in question was purely accidental and that respondent No.2 has been adequately compensated, I find that continuance of proceedings arising out of the FIR in question would be an exercise in futility.

Accordingly, subject to petitioner placing on record undertaking by way of affidavit in aforesaid terms within a week from today, FIR No. 34/2018, under Sections 287/338 of IPC, registered at police station Mayapuri, New Delhi and proceedings emanating therefrom shall stand quashed qua petitioner.

This petition and application are accordingly disposed of.

Dasti.

(SUNIL GAUR)
JUDGE

JULY 19, 2019

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