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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 200/2020**

BHUPENDER KUMAR & ANR. Petitioners

Through: Mr. Nitin Jain, Advocate alongwith
petitioners in person.

Versus

STATE & ANR. Respondents

Through: Ms. Neelam Sharma, APP for State with
Inspector Anish Sharma, P.S. Prasad Nagar
Respondent No. 2 in person.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

% **17.01.2020**

CRL.M.A. 864/2020 (Exemption)

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

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1. The present proceedings are instituted seeking quashing of FIR No. 388/2017 under Sections 288/337 IPC registered at Police Station Prasad Nagar, Delhi on the ground of settlement having been arrived at between the petitioners and respondent no. 2.
2. The present FIR was registered on the complaint of respondent No. 2 alleging that while he was crossing a construction site in Ganesh Gali Tank Road, a brick fell on the complainant's head due to which he suffered simple injuries. Petitioner No. 1 is the contractor whereas petitioner No. 2 is the owner of the property where the said construction was going on.

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3. Ms. Neelam Sharma, learned APP for the State, submits that the charge sheet in the present case has been filed and petitioner No. 2 has been kept in column No. 12. She further submits that respondent no.2 is the only complainant/victim.
4. Learned counsel for the petitioners submits that the petitioners and respondent no.2 have entered into a settlement vide Memorandum of Understanding on 10.10.2019. In terms of the settlement, respondent No. 2 is now left with no claim whatsoever against the petitioners.
5. Petitioners who are present in person, are identified by their counsel and the Investigating Officer. Respondent No. 2 who is present in person is identified by the Investigating Officer.
6. Respondent No. 2 states that he has entered into the settlement with the petitioners out of his own free will, volition and without any undue force, pressure or coercion and states that he has no objection if the present FIR and the consequent proceedings are quashed.
7. Learned counsel for the petitioners submits that no other proceedings are pending between the parties.
8. The parties shall remain bound by their statements made in Court today.
9. In view of the settlement arrived at between the parties voluntarily, in my view, no useful purpose will be served in continuance of the present criminal proceedings. Accordingly, in the interest of justice, aforesaid FIR and the consequent proceedings emanating therefrom are hereby quashed, subject to costs of Rs.15,000/- each out of which Rs.10,000/- shall be paid to

the complainant by way of demand draft through Investigating Officer and Rs.5,000/- to be deposited with the *Delhi High Court Legal Services Committee* within three weeks from today by the petitioners. Receipts evidencing deposit of costs be filed in the Registry as well as with the Investigating Officer.

10. With the above directions, the petition is disposed of.

11. Order *dasti* to the counsels for the parties.

MANOJ KUMAR OHRI, J

JANUARY 17, 2020/p'ma