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

% ***Date of decision: 28.05.2021***

+ **CRL.M.C. 1290/2021**

BHANWAR SINGH Petitioner

Through: **Mr. Mahender Kumar, Advocate**

Versus

THE STATE AND ANOTHER Respondents

Through: **Mr. Izhar Ahmed, Additional Public
Prosecutor for respondent No.1/State
with SI Gajendra Singh
Mr. Ajit Singh, Advocate with
respondent No.2**

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

J U D G M E N T (oral)

The hearing has been conducted through video conferencing.

1. Petitioner is seeking quashing of FIR No. 97/2019, under Sections 288/304A IPC, registered at police station Madan Garhi, Delhi on the basis of Memorandum of Settlement dated 14.04.2021 reached with respondent No.2, who is the complainant of FIR in question.

2. The FIR in question pertains to an accident which took place on 23.04.2019 at the house of petitioner, where construction work was going on and husband of respondent No.2 was working as Mason. He accidentally fell

down from the third floor of the under-construction house of petitioner and died on the spot,.

3. Learned counsel for petitioner submits that the incident in question was purely accidental and after registration of FIR at the instance of respondent No.2, a claim petition was filed by her before Authority Under Employees Compensation, New Delhi against the petitioner. Thereafter, Memorandum of Settlement dated 14.04.2021 was reached between petitioner and respondent No.2, wherein petitioner has agreed to pay a sum of Rs.8,00,000/- to respondent No.2. Further submitted that the terms of aforesaid settlement have been fully complied with and in view thereof, the present petition be allowed.

4. Notice issued.

5. Mr. Izhar Ahmed, learned Additional Public Prosecutor for respondent No.1/State accepts notice and submits that respondent No.2/complainant is present through video conferencing and she has been duly identified by the Investigating Officer of this case, who is also present through video conferencing.

6. With the consent of both the sides, the present petition has been taken up for hearing and disposal.

7. Respondent No.2 submits that she understands that the incident in question was accidental. She affirms the factum of settlement arrived with petitioner in terms of Memorandum of Settlement dated 14.04.2021 as well as contents of her affidavit dated 16.04.2021 filed in support of this petition. She also affirms having already received compensation amount of Rs.8,00,000/- from petitioner, out of which Rs.1,00,000/- has been paid to her before this Court today. She also submits that she has been adequately compensated and no grievance against petitioner survives and so, the proceedings arising out of FIR in question be brought to an end.

8. The Hon'ble 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 proceedings, 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."

9. Keeping in view that the incident in question was purely accidental and the fact that respondent No.2 has been adequately compensated and also that the parties have amicably decided to give a quietus to the dispute between them, no useful purpose would be served in continuing with the proceedings arising out of FIR in question.

10. Consequently, FIR No. 97/2019, under Sections 288/304A IPC, registered at police station Madan Garhi, Delhi and proceedings emanating therefrom are hereby quashed.

MAY 28, 2021

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SURESH KUMAR KAIT, J