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

+ CRL.M.C. 4031/2022

ANKIT KEYAL

..... Petitioner

Through: Mr. Gurmehar Singh Sistani and Mr.
Samit Khosla, Advs.

versus

STATE & ORS.

..... Respondents

Through: Mr. APP for the State
With SI Devendeer Antil, PS Lahori
Gate.
Mr. Aditya Singla, Adv. for R-2 to 10
along with 2 to 10 in person.

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Date of Decision: 24th April, 2023

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

J U D G M E N T

DINESH KUMAR SHARMA, J. (Oral)

1. Present petition has been moved on behalf of the petitioner under Section 482 Cr.P.C. seeking quashing of case FIR No. 98/2019 dated 16.06.2019 registered under Sections 285/34/337 IPC at PS Lahori Gate, Delhi. The said FIR was lodged on the statement of respondent No.2 namely Mohd. Fareed informing about a fire that broke out in the top floor at Shop No 547, Gali Shiv Mandir, Katra, Neel, Chandi Chowk where he was working. As per the status report, section 304A

and 338 IPC were added after the investigation. Chargesheet is stated to have been filed and the matter is pending before the Ld. MM HC, Delhi, however charges are yet to be framed.

2. Brief facts of the case are that the petitioner was the sole proprietor of M/s Keyal Design Company at Shop No 547, Gali Shiv Mandir, Katra, Neel, Chandi Chowk. As per the FIR, it has been alleged that at the said place on 15.06.2019 at around 19:07 PM, the work of dry cleaning was being carried out and some people were working at the said premises. It has been alleged that nearby there was crane containing petrol and some chemicals and suddenly a fire broke out. On account of the fire, respondent No.2 suffered serious burn injuries and one other employee namely Quraatul Ain succumbed to his injury and passed away on 18.06.2019. Death certificate of Quraatul Ain has been placed on record. The deceased Quraatul Ain is survived by his legal heirs which include Ms. Rabiya Khatoon (wife), Mohd. Taukir Ahmad (father), Mrs. Azima Khatoon (mother), Master Nomad Ahmad (minor son), Ms. Rokaiya Naz (minor daughter), Master Sofiyan (minor son), Master Sovan (minor son), Ms. Summaiya (minor daughter) who are respondent Nos 3 to 10 herein.
3. Ld. Counsel submits that the matter has been amicably settled between all the parties. Mr. Gurmehar Singh Sistani, learned counsel for the petitioner submits that the petitioner and respondent No. 2 have amicably settled the matter vide MoU dated 29.07.2022. It has further been stated that respondent No.2 has also been awarded compensation by the office of Commissioner Employees Compensation (North) for a sum of Rs.9,88,560/- which has already

been paid to respondent No. 2. Moreover, the matter has also been settled between the petitioner and respondent Nos. 3 to 10 who are the legal heirs of the deceased - Quraatul Ain by way of settlement agreement dated 04.08.2022. It has been stated that the legal heirs of the deceased - Quraatul Ain have also been awarded compensation by the office of Commissioner Employees Compensation (North) for a sum of Rs. 7,18,960/- which stands already paid.

4. Mr. Aditya Singla, learned counsel appears for the respondents and submits that the respondents have entered into the settlement voluntarily at their own free will, without fear force or coercion. Both the MoU dated 29.07.2022 and 04.08.2022 have duly been placed on the record.
5. Mr. Gurmehar Singh Sistani, learned counsel for the petitioner submits that though as per the MoU, Rs. 85,000/- was to be paid to the respondent No.2 and Rs. 82,000/- was to be paid to the LRs of the deceased Quraatul Ain. However, learned counsel submits that the petitioner has enhanced the compensation to Rs. 2,50,000/-. It has been stated with respect to respondent No. 2, Rs 1,25,000/- has been paid on the day of Eid and remaining Rs. 1,25,000/- is being paid today by way of NEFT dated 22.04.2023 in favour of Fareed. Learned counsel further submits that in respect of legal heirs of respondent Nos. 3 to 10, the petitioner has increased the compensation amount from Rs. 82,000/- and shall now pay Rs. 2,50,000/- . The said amount shall be paid today by way of demand draft in favour of Ms. Rabiya Khatoon (wife of deceased - Quraatul Ain).

6. Both the learned counsels submit that the parties no longer wish to pursue the present complaint and wants to put a quietus to the same on account of the settlement arrived between the parties.
7. The parties are present in person and have been duly identified by the IO. Respondents state that they have amicably settled the matter with the petitioner and have no grievance remaining against him. Respondent no. 2 states he has already received an amount of Rs 1,25,000/-. He states that the remaining amount of Rs.1,25,000/- has been received today by way of NEFT dated 22.04.2023 in favour of Fareed. He states that he has thus received the entire settled amount. Respondent Nos. 3 to 10 who are the legal heirs of the deceased Quraatul Ain state that they too have amicably settled the matter with the petitioner and the wife of the deceased has received the amount of Rs. 2,50,000/- by way of demand draft bearing DD No. 062390 dated 24.04.2023 drawn on HDFC Bank in favour of Ms. Rabiya Khatoon, the wife of the deceased Quraatul Ain. Respondents state that now they want to move on with their lives and do not wish to pursue the present complaint. The respondents state that they have entered into the settlement voluntarily out of their own free will, without any fear, force or coercion and have received the entire settled amount. They state that they have no objection if the present FIR and all criminal proceedings emanating therefrom are quashed.
8. I have considered the submissions. The matter has been settled between the parties vide MoU dated 29.07.2022 and 04.08.2022. The parties have entered into the settlement out of their own free will and without any force, fear or coercion. The respondents have received the

entire settled amount in terms of the settlement arrived at between them. The respondents no longer wish to pursue the present complaint and want to move on with their lives. They have no objection if the present FIR and the subsequent proceedings emanating therefrom are quashed. An affidavit of No Objection on behalf of the respondents has also been filed along with the present petition. The chances of conviction would also be bleak and remote, given that the parties do not wish to pursue the present complaint on account of the settlement. I consider that continuance of FIR No. 98/2019 would serve no useful purpose and may cause prejudice to the petitioner and be an exercise in futility. I do not see any reason to reject the settlement arrived at between the parties, voluntary out of their free will.

9. Considering the totality of facts and circumstances of the case and in view of the submissions of the respondents, the case FIR No. 98/2019 dated 16.06.2019 registered under Sections 285/34/337 IPC at PS Lahori Gate, Delhi and all proceedings emanating therefrom are quashed.

10. Accordingly, the present petition stands disposed of.

DINESH KUMAR SHARMA, J

APRIL 24, 2023

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