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

% *Date of decision: October 20, 2023*

+ **CRL.M.C. 4635/2019**

SUNIL SHARMA

..... Petitioner

**Through: Mr. Bharat Bhushan Kaushik and
Mr. Anand Jha, Advocates.**

V

STATE & ORS

..... Respondents

**Through: Mr. Utkarsh, APP for State/R-1
with SI Karanveer, P.S. Mundka.
R-2 & 3 in person.**

CORAM:

HON'BLE DR. JUSTICE SUDHIR KUMAR JAIN

JUDGMENT (oral)

1. The present petition is filed under section 482 Cr.P.C. for quashing of FIR bearing no. 0067/2019 registered under sections 287/304A IPC at P.S. Mundka along with consequential judicial proceedings.
2. Issue notice.
3. Mr. Utkarsh, Additional Public Prosecutor assisted by the Investigating Officer SI Karanveer, P.S. Mundka, accepts notice on behalf of the State/respondent no. 1. The respondents no. 2 and 3, who are stated to be the legal heirs of Ramesh Chander Jha i.e. the deceased being his wife



and son are present in person and accept notice.

4. The petitioner is the proprietor of M/s Ganpati Packers and was running business of manufacturing of corrugated packing boxes under proprietorship. Ramesh Chandra Jha, one of the employee of the petitioner has fallen from the lift on 13.02.2019 and consequently died. Accordingly the present FIR was got registered.

5. As per the FIR, GD no.032A dated 13.02.2019 was recorded on the basis of PCR call, which was handed over to ASI Phool Kunwar Kumar for further action. ASI Phool Kunwar Kumar along with Ct. Sonu also on receipt of DD no.16A reached at the spot i.e Ordent Ganpati Hospital , Swarn Park Nangloi, Delhi and from where he reached Sonia Hospital Nangloi, Delhi and obtained MLC No. 4182/19 pertaining to Ramesh Chandra Jha (since deceased) and the reason of death was opined as 'fall from lift'. No eyewitness was found in the hospital. ASI Phool Kunwar Kumar went to the spot i.e Ganpati Packers, near M.R Bharti Public School and inspected the spot and found that rope and wire of the lift were broken. The reason attributed to the cause of death of Ramesh Chander Jha (since deceased) was due to negligence on behalf of the proprietor of the M/s Ganpati Packers. The charge-sheet was filed under section 173 Cr.P.C. after



conclusion of investigation and the trial is stated to be pending in the court of Ms. Babita Punia, MM, West District, Tis Hazari Courts, Delhi/Successor Court. The respondents no. 2 and 3, who are the surviving legal heirs of Ramesh Chander Jha (since deceased) are identified by the Investigating Officer SI Karanveer, P.S. Mundka.

6. The counsel for the petitioner stated that the petitioner has settled with the respondents no. 2 and 3, who are the surviving legal heirs of Ramesh Chander Jha (since deceased) vide oral settlement whereby the petitioner has agreed to pay Rs.8,00,000/- (Rupees Eight Lacs Only) as compensation to them. The petitioner thereafter increased the compensation to Rs.9,00,000/- (Rupees Nine Lacs Only) to be paid to the respondents no. 2 and 3, who are the surviving legal heirs of Ramesh Chander Jha (since deceased). The petitioner has already paid Rs.1,00,000/- in cash and Rs.7,00,000/- by way of cheque in the name of widow of Ramesh Chander Jha (since deceased), which was duly encashed, which is acknowledged by the respondents no. 2 and 3. The petitioner has agreed to pay balance settled amount of Rs.1,00,000/- to the respondents no. 2 and 3 within one day, which is agreed by the respondents no. 2 and 3.

7. The counsel for the petitioner stated that as per the allegations made



in FIR bearing no. 0067/2019, death of Ramesh Chander Jha (since deceased) was purely an accident and cannot be attributed to the negligence on the part of petitioner. The counsel for the petitioner further stated that the respondents no. 2 and 3, who are the surviving legal heirs of Ramesh Chander Jha (since deceased) have been duly compensated. In these circumstances, it is prayed that the present petition be allowed and FIR bearing no. 0067/2019 be quashed along with consequential judicial proceedings.

8. The respondents no. 2 and 3 stated that as they have been duly compensated as such, they do not have any objection if the present petition is allowed and FIR bearing no. 0067/2019 is quashed along with consequential judicial proceedings.

9. The Additional Public Prosecutor for the State/respondent no. 1 stated that one precious human life has been lost due to alleged negligence on the part of petitioner but under the given facts and circumstances, he does not have any objection if the present petition is allowed and FIR bearing no.0067/2019 is quashed along with consequential judicial proceedings.

10. The Supreme Court continuously observed that the extraordinary power under section 482 Cr.P.C. should be exercised sparingly and with



great care and caution and can be used to prevent abuse of the process of the court or to secure ends of justice and the exercise of inherent powers entirely depends on facts and circumstances of each case.

11. The Co-ordinate Bench of this Court in **Santosh Kumar Chauhan V State & Anr.** bearing CRL.M.C. 5598/2019 passed on 02.05.2022 quashed the FIR registered under sections 288/304A IPC on account of settlement between the affected parties and also observed that the petitioner did not have any role to play in the unfortunate incident. The similar Co-ordinate Bench also quashed the FIR registered under sections 279/337/304A IPC in CRL.M.C. 6697/2019 titled as **Satish Kumar & Anr. V State & Ors.** passed on 02.05.2022. Another Co-ordinate Bench of this Court in W.P.(CRL) 1612/2016 titled as **Sanjay V State & Ors.** also quashed FIR registered under sections 288/304A IPC on the basis of settlement between the concerned parties.

12. This Court in petitions titled as **Rajuram V State and Another** bearing criminal miscellaneous no. 6137/2019 and **Vashishta Gakhar V State & Ors.** bearing criminal miscellaneous no. 4284/2019 has also quashed FIR under sections 288/337 IPC vide orders dated 23.08.2022 and 05.09.2022, respectively and consequential proceedings under sections



288/304A IPC on the basis of the settlement between the parties and by also observing that the petitioner was not responsible for the alleged incident that had happened due to the reasons beyond his control.

13. The petitioner and the respondents no. 2 and 3 have settled with each-other and the respondents no. 2 and 3 have already been duly compensated . The death of Ramesh Chander Jha (since deceased) was a sheer accident and cannot be attributed as the negligence on part of the petitioner. No useful purpose shall be served if the proceedings arising out of FIR bearing no. 0067/2019 are allowed to be continued. After considering all facts, the present petition is allowed and FIR bearing no. 0067/2019 registered under sections 304A/287 IPC at P.S. Mundka is quashed along with consequential proceedings including judicial proceedings stated to be pending in the court of Ms. Babita Punia, MM, West District, Tis Hazari Courts, Delhi/Successor Court.

14. The Investigating Officer also intimated that the balance settled amount of Rs.1,00,000/- is paid by way of cheque bearing no. 654698 dated 20.10.2023 drawn on Karnataka Bank Ltd. issued in the name of the respondent no. 2.



15. The present petition stands disposed of.

DR. SUDHIR KUMAR JAIN, J

OCTOBER 20, 2023

N/SD