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

+ CRL.M.C. 5131/2022

VINOD GUPTA

..... Petitioner

Through: Mr. Sanjay Garg, Adv. (VC)

versus

THE STATE & ANR.

..... Respondents

Through: Mr. Digam Singh Dagar, APP for the
State SI Naveen Kumar, PSKeshav
Puram

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Date of Decision: 18th July, 2023

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

J U D G M E N T

DINESH KUMAR SHARMA, J. (Oral)

1. The present petition has been filed seeking quashing of FIR No.159/2018, under Sections 287/337 of IPC, (subsequently section 338 was added) registered at Police Station: Keshav Puram and the proceedings emanating therefrom.
2. Briefly stating, the respondent no 2 was working as laborer in the factory of the Petitioner i.e. M/s Shivam Plastic Factory. On 24.04.2018, respondent no. 2 sustained Law rated wound on his hand



from a machine in the factory of petitioner. Thereafter, FIR no 159/2018 was registered by SI Virender.

3. Respondent No.2/ complainant lodged a complaint with the Commissioner Employee's Compensation under Employee's Compensation Act, 1923. During the pendency of the said complaint, the respondent No.2/ complaint and the petitioner entered into a settlement/ compromise dated 04.09.2019. The petitioner agreed to pay a sum of Rs.1,60,000/- (Rupees one lakh sixty thousand) to the respondent No.2/ complainant towards all the claims of Respondent no. 2. on the following terms and conditions:

- 1. That the complainant has filed an application for compensation before the Hon'ble Commissioner under the Workmen Compensation Act at Nimri Colony, Ashok Vihar, New Delhi.*
- 2. That the second party has offered t 1,60,000/- (Rupees One Lac Sixty Thousand Only) as full and final settlement to the complainant on the condition that the complainant would withdraw all the matters arising out of the said FIR No. 159 of 2018 at Police Station Keshav puram under section 287 and 337.*
- 3. That the second party would pay t 1,10,000/- (Rupees one Lac Ten Thousand only) tomorrow on dated 04.09.2019 before the Hon'ble commissioner, Nimri colony, New Delhi vide D.D. No.907858 as party payment.*
- 4. That the second party would pay the remaining Rs.50,000/- (Rupees Fifty Thousand Only) at Rohini Court when the charge sheet of said FIR No.159 of 2018 would be filed by the investigating officer.*
- 5. That the complainant has accepted the terms and conditions imposed by the second party.*



6. That the complainant/ first party would not file any further case regarding the said FIR No. 159 of 2018 in future too and co-operate in compounding of FIR before the court.

7. That both the parties shall abide by the terms and conditions of the settlement deed. The present settlement shall be failed if second party failed to pay the remaining amount of ₹ 50,000- (Rupees Fifty Thousand Only) and the first instalment amount shall be forfeited.

4. Respondent no. 2 submits that as per the terms and conditions of the settlement deed dated 04.09.2019, the he has already received Rs.1,10,000/- vide demand draft No. 907858 dated 04.09.2019 before the commissioner Employee's compensation. Petitioner submits that the remaining amount i.e. Rs. 50,000/- has already been paid to Respondent no. 2 at the time of filing of chargesheet.
5. In addition to the settled amount of Rs1,60,000/- the petitioner has also paid a sum of Rs. 20,000/- which was incurred on the treatment of the respondent No.2.
6. Respondent No.2 states that he has entered into the settlement voluntarily without fear, force and coercion, or undue influence. The petitioner has adequately compensated the respondentNo.2/ complainant. The respondent No.2/ complainant has also given hisno-objection to the quashing of said FIR. In the interest of justice it would be better to put a quietus to the dispute. 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 do not see any reason to reject the settlement.

7. Taking into account the totality of facts, circumstances, and



submissions of the respondent No.2 , the case FIR No.159/2018, under Sections 287/337 of IPC, (subsequently section 338 was added) registered at Police Station: Keshav Puram and the proceedings emanating therefrom are quashed.

8. In view of the above, the present petition stands disposed of.

DINESH KUMAR SHARMA, J

JULY 18, 2023

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