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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CRL.M.C. 5826/2022, CRL.M.As. 22908-22909/2022 & CRL.M.A. 22952/2022

KONE ELEVATOR INDIA PVT LTD & ORS. Petitioners
Through: Mr.AnkurGosain, Adv with Anil
Mehta and Mr.Bhajan Lal petitioners
no.2 and 3 in person.
versus

THE STATE OF NCT OF DELHI AND ORS. Respondents
Through: Mr.AmitSahni, APP for the State.
SI SanjeetDagar, PS Janakpuri
Mr.Gurminder Singh/respondent no.2
in person.

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Date of Decision: 16.08.2023

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 Criminal Case Bearing No. 11902 of 2019 titled As “State Vs Suresh &Ors.” pending in the court of learned M.M. - 11. Dwarka District Courts. Delhi and the FIR No. 363 of 2014 dated 31.03.2014 registered under Sections 336/337 IPC at P.S.Janakpuri.
2. The present petition is filed by 3 petitioners herein; whereas the

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Petitioner no.1 is involved in the business of manufacturing lifts and at the time of occurrence the Petitioner no.2 was the Deputy General Manager of Petitioner no.1 and the Petitioner no.3 was a former field technician working with Petitioner no.1. The present FIR was lodged on the statement of ASI Ramesh Singh alleging therein that an accident occurred in one of the lifts manufactured by Petitioner No. 1, injuring Respondent No.2. This led to the subsequent Criminal case No. 11902/2019 pending at Metropolitan Magistrate, Dwarka District Courts, Delhi. In furtherance of the proceedings, Respondent No. 3 (Lift Operator) and the Respondent No. 4 (Private Contractor), were later made accused in the said FIR as well. Upon mutual agreement, the court referred the case for mediation to explore a settlement. The mediation focused on charges under Section 338/34 of the Indian Penal Code, as charges under Sections 287/336 are non-compoundable. The parties reached a settlement on 27.04.2022, leading to their acquittal qua Section 338/34 as observed by the court's order on 18.05.2022.

3. The terms and conditions of their settlement agreement dated 27.04.2022 at Mediation Centre, Dwarka Courts are as under:

(a) The injured Sh. Gurminder Singh, has agreed to compound the offence under Section 338/34 IPC with all the aforesaid respondents for a total sum of Rs. 5,00,000/- (Rupees Five Lacs Only), Out of which Rs. 2,50,000/- (Rupees Two Lacs Fifty Thousand only) shall be paid by Sh. Prabodh Mehra, son of Sh. Roop Lai Mehra, Respondent No.4 and balance sum of Rs.2,50,000/- (Rupees Two Lacs Fifty Thousand Only) shall be paid by Sh. Anil Mehta, Respondent No.3, towards full and final settlement with respect to the present case under Section 338/34



IPC by way of demand draft/NEFT/RTGS/online transfer, in the account of injured, bearing Account No.27600100007428, drawn on Bank of Baroda, District Centre, Janakpuri, New Delhi branch, having IFSC Code :BARBODCJANA on or before 18.05.2022.

- 6. The parties shall take appropriate action for disposal of the above mentioned case, in terms of settlement, as per law, within seven days after receiving the complete settlement amount. The parties shall cooperate with each other in the same and make appropriate statements before the concerned court/court.*
- 7. The parties shall be bound by the terms and conditions as mentioned above.*
- 8. In case any party fails to perform their part of settlement, the other party shall be at liberty to take action as per law.*
- 9. Both the parties shall bear their respective cost of litigation.*
- 10. By signing this settlement, both the parties state that they have no further claims or demands against each other with respect to the present case and all the disputes and differences in this regard have been amicably settled by the parties during the process of mediation, so as to maintain peace and harmony amongst them.*

4. Mr.Gurminder Singh/respondent no.2 is present in person has submitted that he has entered into the settlement voluntarily without any fear, force or coercion. In terms of the settlement Rs.5 lakhs has already been given to respondent no.2.
5. It is further submitted that Respondent no.3 and 4 who were other co-accused person have moved a plea-bargaining application before the learned trial court which has already been allowed.
6. IO has identified the parties.
7. It has been repeatedly held by the Hon'ble Supreme Court and this court that when the chances of an ultimate conviction are bleak and, therefore,



no useful purpose is likely to be served by allowing a criminal prosecution to continue, and where the court may be of the opinion that a settlement between the parties would lead to better relations between them, the court may exercise power under section 482 Cr.P.C. for quashing the proceedings or the complaint or the FIR as the case may be.

8. Taking the facts and circumstances of the cases in totality, I consider that there would be no purpose of continuing with the proceedings and do not see any reason to reject the settlement.
9. Since the parties have arrived on a settlement, FIR No. 363/2014 dated 31.03.2014 registered under Sections 336/337 IPC at P.S.Janakpuri and all the proceedings arising therefrom qua the present petitioners are quashed.
10. The petition along with other pending applications stands disposed of.

DINESH KUMAR SHARMA, J

AUGUST 16, 2023

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