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

+ CRL.M.C. 5872/2022, CRL.M.A. 23053/2022

SHRI BAJRANGLAL GARG

..... Petitioners

Through: Mr. MohitKumawat, Advocate with
petitioner in person.

versus

STATE GOVT OF NCT OF DELHI AND ORS.

..... Respondents

Through: Mr.Hemant Mehla, APP for the State
with Mr. Dipanshu Meena, Adv.
SI Deshraj, Ps Mohan Garden.
Mr.Dhan Mohan, Mr.Ravi Mishra,
Ms.Tanisha Bhatia, Mr.NitinSejwal
and Ms.Anjali, Advocates for R-2 to
R-6 with R-2 to R-6 in person.

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Date of decision: 06.04.2023

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. 0582/2022 dated 16.10.2022 registered at PS Mohan Garden, Dwarka, Delhi, under Sections 288/304A IPC. It has been submitted that the Petitioner and the respondent Nos. 2 to 4 herein are neighbors living in the same vicinity and there has been no other dispute between them besides the present proceedings.

2. Facts in brief are that on 16.10.2022, the petitioner requested the deceased Sh. Dinesh to carry out some electricity wiring job of the submersible pump located at his property, which is where the accident took place and Sh. Dinesh passed away due to electrocution. The petitioner was not stated to be present when the accident took place, however the deceased was rushed to the hospital by the brother of the petitioner. The deceased was declared brought dead and pursuantly the present FIR came to be registered on the complaint of a police officer namely Deshraj Meena. Thereafter, a complaint was also filed by the respondent No.3 i.e. the brother of the deceased.

3. The deceased left behind him his wife, son and parents, who are parties in the present proceedings. Respondent No. 2 is the wife of the deceased, respondent No.3 is the brother of the deceased, respondent Nos. 4 is the minor son of the deceased and respondent nos. 5 & 6 are the parents of the deceased.

4. Learned counsel for the petitioner submits that thereafter, during the course of the proceedings the petitioner and respondent No. 2 to 6 resolved all their disputes and arrived at an amicable settlement vide settlement agreement dated 19.10.2022 on the following terms and conditions:

“1. It is stated/agreed between the parties that Second Party shall pay Rs. 10,00,000/- (Rupees Ten Lakh Only) to Smt. Urmila Devi towards full and final settlement of all the claims of First Party against Second Party i.e. their claims in respect of above accident and death of St Dines.

2. That the Second Party has paid Rs.5,00,000/- (Five Lakh Only) to Smt. Urmila Devi vide DD No.658863 dated 19.10.2022 issued from Canara Bank while the balance amount of Rs 5,00,000/- shall be paid to Smt. Urmila Devi at the time of quashing of above stated FIR.

3. That the First Party has agreed to co-operate the Petitioner to get the aforesaid FIR quashed before this Hon'ble High Court of Delhi.

4.It is agreed between the parties that on making entire payment of Rs.10,00,000/- (Rupees Ten Lac only) in the manner agreed hereinabove, no claim (past, present, future) would be left of First Party against Second Party or in respect of anyone about death of Shri Dinesh.

5. That both the parties agree that no other case/complaint or representation has been filed by them against each other or against each other's family members apart from one's mentioned herein above and in case the same if found to be pending-in my judicial or quasi judicial forum, the same shall be deemed to have been withdraw in view of the present settlement.

6. That both the parties are executing the present settlement agreement out of their own free will voluntarily after having understood the terms of present agreement with full consent without any force, fraud, coercion or influence. The contents of the settlement have been explained to the parties in vernacular and they have understood the same and have admitted the same to be correct."

5. Learned counsel submits that in terms of the settlement, the respondents have already received half payment from the entire settled amount of Rs. 10,00,000/-. It has been submitted that the respondents 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.

6. The parties are present in person and have been duly identified by the IO. Respondent No. 2 i.e. wife of the deceased states that in terms of the settlement she has already received Rs. 5,00,000/- from the petitioner. She states that the remaining amount has been handed over to her today by way

of demand draft bearing DD No.660089 dated 05.04.2023 for a sum of Rs. 5,00,000/- drawn on Canara Bank, Mohan Garden-II Branch, New Delhi-110059 in favour Ms. Urmila Devi. She submits that in terms of the settlement, they have received the entire settled amount. 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. They state that they have no objection if the present FIR and all criminal proceedings emanating therefrom are quashed.

7. I have considered the submissions. The matter has been settled between the parties vide MoU dated 19.10.2022. 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 on behalf of the parties to this effect has also been filed along with the present petition. I consider that continuance of FIR No. 0582/2022 would serve no useful purpose and may cause prejudice to the petitioner and be an exercise in futility. 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 arrived at between the parties, voluntary out of their free will.

8. Considering the totality of facts and circumstances of the case and in view of the submissions of the respondents i.e. surviving members of the

deceased person namely Sh. Dinesh, the case FIR No. 0582/2022 dated 16.10.2022 registered at PS Mohan Garden, Dwarka, Delhi, under Sections 288/304A IPC and all proceedings emanating therefrom are quashed.

9. The present petition along with all pending applications stands disposed of.

DINESH KUMAR SHARMA, J

APRIL 6, 2023

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