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

+ CRL.M.C. 495/2024

YOGESH TANWAR

.....Petitioner

Through: Mr. Vikas Arora, Ms. Radhika Aroa,
Advocates along with petitioner.

versus

STATE (NCT OF DELHI) & ORS.

.....Respondents

Through: Mr. Hemant Mehla, APP for the State
with SI Sachin, ASI Sanjay Kumar,
PS Fatehpur Beri.
Mr. Siddharth Singh, Advocate for
Respondent Nos. 2& 3 with R2 & R3.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

% **26.07.2024**

1. The present Petition under Section 482 of the Code of Criminal Procedure, 1973 ('Cr.P.C.') has been filed jointly on behalf of the petitioner and the respondent Nos. 2 and 3 seeking quashing of FIR No. 450/2023, registered at Police Station Fatehpur Beri, for the offences punishable under Sections 288/337 of the Indian Penal Code, 1860 (hereinafter referred to as 'IPC').
2. Issue notice.
3. Mr. Hemant Mehla, learned APP accepts notice on behalf of the State.
4. Briefly stated, Mr. Samaun Alam s/o Sh. Lal Mohd., was working at



Plot No. 72, near Asthal Mandir, M.K. Garden, Fatehpur Beri, where renovation work was going on and he had fallen while working there and had sustained injury due to fall.

5. It has been submitted by the petitioner that the deceased has died due to his own negligence without there being any fault upon him or anyone else.

6. It has been submitted that the matter has been amicably settled between the petitioner and the respondent Nos. 2 and 3. The Settlement Agreement dated 09.09.2023 is already on record. The Settlement Agreement has been executed between the father of the deceased with the contractor, Sh. Prakash Chand Pathak, on behalf of the petitioner, for a total sum of Rs.5,00,000/-. As per the terms of the Settlement, Rs.2,00,000/- was paid by way of cheque and Rs.1,00,000/- was paid by way of cash to the respondent No. 2, the father of the deceased.

7. A cheque for a sum of Rs.2,00,000/- i.e. the balance amount, has been handed over to the respondent No. 2/father of the deceased today in the Court, *vide* Demand Draft bearing No. 904343, made in favour of Lal Mohammad, drawn on Canara Bank, Fatehpur Beri-II Branch Delhi-110074 and the same has been accepted by the respondent No. 2/father of the deceased. Respondent Nos. 2 and 2 have confirmed that on their own personal inquiry, they have found that the death of their son was only due to an unfortunate accident and no one is to be blamed for the said accident. They have further confirmed that neither the petitioner nor the contractor or the owner of the property was responsible for the accident.

8. A request for quashing of the FIR has been made on account of the Settlement *inter se* the parties. In view of the settlement, the present Petition



has been filed.

9. The parties are present in the Court in person and have been identified by their counsel and Investigating Officer concerned. The parties have endorsed the amicable settlement and accepted the terms thereof voluntarily.

10. Today, the complainant, who is present in the Court states that he has received all the amounts due to him and has no objection, if the FIR is quashed.

11. In view of the above facts that the parties have amicably resolved their differences out of their own free will and without any coercion. Hence, it would be in the interest of justice, to quash the abovementioned FIR and the proceedings pursuant thereto. Moreover, there is no legal impediment in quashing the FIR in question.

12. Accordingly, FIR bearing No. 450/2023, registered at Police Station Fatehpur Beri, for the offences punishable under Sections 288/337 of the IPC and all consequential proceedings emanating therefrom are quashed.

13. The Petition stands disposed of.

NEENA BANSAL KRISHNA, J

JULY 26, 2024/RS