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

+ **CRL.M.C. 910/2023**

SURENDER KUMAR BHATIA

.....Petitioner

Through: Mr. M.P. Sinha, Advocate (Through
VC)

Petitioner in person.

versus

STATE (GOVT. OF NCT OF DELHI) AND ORSRespondent

Through: Ms. Richa Dhawan, APP for State
with Inspector Mukesh Kumar and SI
Ankur Sharma.

Respondent No.2 in person.

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

06.11.2024

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1. The instant petition under Section 482 of the Code of Criminal Procedure, 1973, [now Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (“BNSS” hereinafter)] has been filed by the petitioner praying for quashing of FIR bearing no. 110/2016 registered at Police Station Barakhamba Road, Delhi, for the offence punishable under Section 304A of the Indian Penal Code, 1860 (hereinafter “IPC”).

2. The petitioner is present in person before this Court and has been identified by his counsel Mr. M.P. Sinha and the Investigating Officer (“IO” hereinafter). The respondent No.2 is also present before this Court and has been identified by her counsel and the IO.

3. On the query made by this Court, respondent no.2/father of the



deceased has categorically stated that he and respondent nos.3 to 6 have entered into compromise on their own free will and without any pressure. In support of his statement, he referred to the Power of Attorney (Annexure P-1) executed by respondent no.3 to 6 in his favour. It is also stated by respondent no.2 that the entitled dispute has been amicably settled between the parties.

4. The brief facts of the case are that the petitioner herein runs a proprietary shop in the name of Kaka Electrical and Hardware Store, located at 44 NDMC Market, Bengali Market, New Delhi, wherein a person namely, Narendra Kumar @ Neeraj ("the deceased" hereinafter) was an employee. Unfortunately, on 13th June, 2016, while getting down the stairs in the afternoon at around 2 P.M., the deceased fell down, and subsequently, he was taken to RML Hospital, where he was declared brought dead. In respect of the above incident, the aforesaid FIR was registered against the petitioner under Section 304A of the IPC. Thereafter, the charge-sheet in the aforesaid matter was filed by the IO on 25th November, 2021.

5. In addition, the legal representatives ("LRs" hereinafter) of the deceased employee filed a claim petition under Section 4(1)(a) of the Employee's Compensation Act, 1923 before the Court of Commissioner, and *vide* order dated 3rd July, 2018 and rectification order dated 24th August, 2018, the Court of Commissioner Employees' Compensation awarded a compensation amount in the sum of Rs.10,93,495/- alongwith simple interest @ 12% w.e.f. 4th July, 2018 till realization.

6. It is submitted that the LR's of the deceased settled the aforesaid awarded compensation amount with the petitioner for a sum of Rs. 9,00,000/- by way of settlement agreement dated 25th October, 2018 and in



view of the same as well as the orders of the Court concerned, the aforesaid amount was paid through a demand draft dated 26th October, 2018 drawn on PNB, Lodhi Road Branch. The terms and conditions of the aforesaid settlement agreement alongwith the demand draft is mentioned in the statement given by the respondent No. 2, i.e., the father of the deceased namely, Mr. Sajjan Lal, and the same is appended as Annexure P-5 to the instant petition.

7. It is submitted that the respondent No.2 in the aforesaid statement given before the Court of the Commissioner Employees' Compensation stated that he has entered into the said settlement agreement on his own free will and would not raise any claims for the death of his son and further agreed to help in getting the criminal proceedings quashed/compounded before the appropriate Court.

8. Therefore, in view of the foregoing submissions and on the basis of the judgment of the Hon'ble Supreme Court passed in ***Gian Singh vs. State of Punjab*, (2012) 10 SCC 303** and ***Parbathbhai Aahir @ Parbathbai vs. State of Gujarat*, (2017) 9 SCC 641**, it is prayed that the instant FIR may be quashed.

9. At this stage, learned APP for the State submitted that since the matter is settled between the parties, the State has no objection if the aforesaid FIR is quashed.

10. Heard learned counsel for the parties and perused the record.

11. Keeping in view the fact that parties have settled the matter and the LR's of the deceased have been compensated by the petitioner, it is observed that no useful purpose would be served by keeping the matter pending. Hence, the FIR bearing no. 110/2016 registered at Police Station



Barakhamba Road, Delhi, for the offence punishable under Section 304A of the IPC and consequent proceedings emanating therefrom are quashed.

12. The petition alongwith pending applications, if any, stand disposed of.

CHANDRA DHARI SINGH, J

NOVEMBER 6, 2024

NA/sm

[Click here to check corrigendum, if any](#)