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

+ **CRL.M.C. 1201/2023**

HEMANT JAGGI

.....Petitioner

Through: Mr. Abhinav Sharma & Mr. Ankit
Parindiyal, Advocates.

versus

THE STATE AND OTHERS

.....Respondent

Through: Mr. Mukesh Kumar, ASC for the
State with SI Deepak, PS Mayapuri
Husband and daughter of the
deceased.

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

13.11.2024

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1. The instant petition under Section 482 of the Code of Criminal Procedure, 1973 has been filed by the petitioner praying for quashing of FIR bearing No.151/2019 registered at Police Station Mayapuri for the offence punishable under Sections 336/338/304-A of the Indian Penal Code (hereinafter "IPC").

2. The brief facts of the case are that the aforesaid FIR was registered at Police Station Mayapuri pursuant to receipt of DD No.20-A dated 2nd July, 2019 regarding admission of Smt. Sunita Sinha ("deceased" hereinafter) in Mata Chanan Devi Hospital as she was injured due to falling from height. The nature of injuries opined by the doctor concerned as grievous. For investigation, when police reached at A-7, Mayapuri, Jaggi Pvt. Ltd., they



found that the lift space on the first floor was not covered and it is alleged that the deceased fell down in the space left for the lift and had the space been covered, the incident could have been avoided.

3. It is submitted that deceased remained hospitalized for about 20 days and later succumbed to the injury sustained and later on Section 304-A was also added in the aforesaid FIR. It is submitted that the police after investigation filed a chargesheet against the petitioner on 16th March, 2020.

4. The petitioner made genuine efforts at reconciliation and entered into Memorandum of Understandings dated 28th January, 2023, (hereinafter “MoU”) with the respondent nos. 2, 3 and 4. The terms and conditions of the said settlement are mentioned in the MoU dated 16th January, 2023, which is annexed as Annexure-E to the petition.

5. The petitioner bore the medical expenses of the deceased when she was hospitalised and paid around Rs.1,40,000/- through Bank Transaction/Cheque. It is submitted that the respondents have settled all their claims on payment of Rs. 2,50,000/- from the petitioner, which is in addition to the amount already paid. It is agreed that the private respondents shall not raise any claim in future in respect of the above-said FIR. It is further agreed that the parties shall not proceed against each other in any case whatsoever either criminal or civil in respect of the FIR in question. Learned counsel for the petitioner submitted that Rs. 5,00,000/- has been transferred to respondent no. 2, who is the husband of the deceased. Respondent no. 2, who is present in person, acknowledged to have received an amount of Rs.5,00,000/-, which is more than the amount to be payable to him. He undertakes to transfer the respective shares to the other class one legal heir of the deceased.



6. It is, therefore, prayed that the instant FIR be quashed on the basis of the MoU and as per the Judgment of the Hon'ble Supreme Court passed in the case of ***Gian Singh vs. State of Punjab, (2012) 10 SCC 303***.

7. Learned APP for the State submitted that there is no opposition to the prayer made on behalf of the petitioner seeking quashing of the FIR in question in view of the settlement arrived at between the parties.

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

9. In the instant case, as stated above, the parties have arrived at a compromise and amicably settled the entire disputes without any pressure and husband of the deceased has received Rs.5,00,000/-, which is more than the amount as agreed upon in the settlement arrived at between the parties.

10. The petitioner is present before this Court and has been identified by his counsel, Mr. Abhinav Sharma, Advocate and the Investigating Officer. Respondent No. 2 and 4 are also present in the Court and have been identified by the Investigating Officer.

11. On the query made by this Court, respondents No. 2 and 4 have categorically stated that respondent Nos. 2 to 4 have entered into compromise on their own free will and without any pressure. It is also stated by respondents No. 2 to 4 that the entire dispute has been amicably settled between the parties and they do not wish to pursue with the matter further. The parties also undertook that they shall abide the terms and conditions of the MoU arrived at between the parties.

12. Therefore, in view of the settlement arrived at between the parties, the law laid down by the Hon'ble Supreme Court as well as the fact that the amount has been duly paid in terms of the settlement arrived at between the parties, the present petition is allowed.



13. Accordingly, FIR No.151/2019 registered at Police Station Mayapuri for the offence punishable under Sections 336/338/304-A of the IPC and all consequential proceedings emanating therefrom are quashed.
14. The petition alongwith pending applications, if any, stand disposed of.

CHANDRA DHARI SINGH, J

NOVEMBER 13, 2024
NA/st

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