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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(CRL) 658/2024, CRL.M.A. 6090/2024**

ANIL KUMAR SOOD AND ANR.

..... Petitioners

Through: Mr. Prakash Gautam and Mr. Sachin
Gautam, Advocates with petitioners in
person

versus

STATE & ORS.

.... Respondents

Through: Ms. Rupali Bandhopadhyaya, ASC with
Mr. Abhijeet Kumar, Advocate for
State alongwith Mr. Laksh Khanna,
APP with SI Revender Singh, PS
Kotla Mubarakpur
Basanti Devi (mother of the deceased)
and Renu Devi (wife of the deceased)
in person

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

16.04.2024

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1. By way of present petition filed under Article 226 of the Constitution of India read with Section 482 Cr.P.C., the petitioners seek quashing of FIR No. 499/2023 registered under Sections 288/304A/34 IPC at P.S. Kotla Mubarakpur on the ground that the parties have amicably settled their disputes.
2. As per the allegations levelled in the FIR, one *Gautam Yadav* who was engaged on a construction site got stuck under the mud which skidded from the side and died.



3. Ms. Bandhopadhya, learned ASC for the State, on instructions, submits that the petitioners are the only accused persons and that the deceased *Gautam Yadav* is survived by his mother *Basanti Devi*, wife *Renu Devi* and three minor children, who have been impleaded as respondent No.2 to 6.

4. Learned counsel for the petitioners submits that the petitioners and respondent No. 2 to 6 have amicably settled their disputes vide Memorandum of Settlement dated 17.02.2024, copy of which has been placed on record. In terms of the settlement, a sum of Rs.1.25 lacs has already been handed over to the mother of the deceased and today, in addition to the same, a demand draft of Rs.1.25 lacs has been over to her today. Further, a sum of Rs.9.75 lacs has been handed over to the wife of the deceased vide four demand draft. Consequently, in terms of the settlement, respondent Nos. 2 to 6 are now left with no claim or grievance against the petitioners. Learned counsel for the petitioner, on instructions from Renu Devi stated that out of the sum handed over, a sum of Rs.2.75 lacs would be kept in the form of a fixed deposit in the name of the each of the three minor children.

5. A status report alongwith statement of eye-witness namely *Sujal Chaudhary* has been placed on record in the present case. A reading of the FIR as well as the statement of the eye-witness nowhere suggests that there was any negligence on the part of the petitioners. Rather, it has been stated that the deceased died due to being stuck under the mud, which suddenly came skidding down.

6. Petitioners, who are present in Court, have been identified by their counsel as well as the I.O. *Basanti Devi* (mother of the deceased) and *Renu Devi* (wife of the deceased), who are also present in Court, have been identified by the I.O. They have also handed over their gate passes.



7. *Basanti Devi* and *Renu Devi* state that they have settled the disputes with the petitioners out of their own free will, volition and without any coercion. They further states that they have no objection if the present FIR and consequent proceedings are quashed.

8. The parties shall remain bound by the statements made in Court today.

9. In view of the above facts and considering that no useful purpose will be served in continuance of the proceedings, it is directed that the aforesaid FIR and the consequent proceedings arising therefrom are hereby quashed subject to encashment of the demand drafts handed over in Court today.

10. With the above directions, the petition is disposed of alongwith miscellaneous application.

MANOJ KUMAR OHRI, J

APRIL 16, 2024

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