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

+ **CRL.M.C. 2087/2024**

MANAV JYOTI

..... Petitioner

Through: Mr.Varun Verma, Mr.Prakhar Shukla
and Mr.Prashant Kumar Jha,
Advocates with petitioner in person.

versus

STATE OF NCT OF DELHI & ORS.

..... Respondents

Through: Mr.Aman Usman, APP for State with
Mr.Sushanth Choudhary, Ms.Sunita
Farswan, Mr.G.R. Dhir, Mr.Akshay
Choudhary, Mr.Varun Sharma,
Mr.Rahul and Mr.Arun Sanwal,
Advocates with ASI Mahender Singh,
PS Kartavya Path.
Mr.Arjun Kumar Jha, Advocate for
R-2 and R-3 with R-2 and R-3 in
person.

CORAM:

HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

06.08.2024

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1. The present petition has been filed seeking quashing of FIR No.18/2023 under Sections 288/337 of the Indian Penal Code, 1860 (IPC) registered at Police Station Kartavya Path, New Delhi on the ground of settlement. Subsequently, a charge under Section 304A of the IPC was also added during the course of investigation.

2. The petitioner was awarded a tender floated by the Central Public Works Department ('CPWD') for installation of Polyolefin nets (commonly



known as monkey nets) at a government office.

3. On 29th July 2023, an unfortunate incident took place where one of the CPWD workers, namely Mr. Vakil Sah fell from a height of around 35 to 40 feet while installing the monkey nets. He was admitted for medical treatment at Ram Manohar Lohia Hospital. However, he succumbed to the injuries on 06th August 2023. As per MLC report, the injuries were sustained due to fall from the height.

4. The aforesaid incident resulted in filing of the present FIR by the respondent no.2, wife of the deceased. The respondents no. 3 is the mother of the deceased.

5. Notice in the present petition was issued *vide* order dated 14th March 2024 by the Roster Bench.

6. The parties have entered into a Memorandum of Understanding ('MOU') dated 18th December, 2023 in terms of which the petitioner has paid a sum of Rs.15,00,000/- to the respondents. Additionally, the petitioner has also spent a sum of Rs.8,00,000/- towards medical expenses/treatment of the deceased.

7. The respondents no.2 and 3 are present in Court and have been identified by the counsel as well as by the Investigating Officer (I.O.). They inform the Court that they have settled the matter of their own free will and without any coercion. They further state that the aforesaid amounts have been paid by the petitioner to them and they would have no objection to quashing of the FIR.

8. The petitioner is also present in Court and has been identified by his counsel.

9. The issue whether an FIR involving offences under Section 304A of



the IPC, can be quashed on the ground of settlement is no longer *res integra*. A Co-ordinate Bench of this Court in ***Ajay Agarwal v. State of NCT of Delhi & Anr***, CRL.MC. 2899/2018 *vide* judgment dated 16th May, 2022 has laid down the principles for quashing of an FIR u/s 304A of the IPC.

10. The judgement of ***Ajay Agarwal*** (supra) was followed by me in ***Vineet Mehrotra v. The State (Govt. NCT of Delhi) & Ors.***, W.P. (Crl.) 645/2022 wherein *vide* order dated 19th July, 2023, I had quashed an FIR under Section 304-A of the IPC on the ground of settlement. The relevant observations from ***Vineet Mehrotra*** (supra) are reproduced as under:

“8. The principles laid down in the aforesaid order are fully applicable in the facts and circumstances of the present case. In my considered view, the alleged offence of causing death on account of negligence would not fall in the category of ‘heinous and serious offences of mental depravity’. Further, in the present case, quashing of the subject FIR on account of settlement arrived at between the parties would secure the ends of justice. Even though no amount of money can compensate for the loss of life, it may alleviate the burden of the family members of the deceased.”

11. In my opinion, the observations made in the case above are squarely applicable to the facts of the present case. The death in the present case has been caused on account of negligence, and not on account of an intentional act. As noted above, even though no amount of money can compensate the loss of life of a loved one, it still may enable the family members to lead a life of dignity.

12. Considering the above settlement between the parties, it would be in the interest of justice to quash the aforementioned FIR and the proceedings pursuant thereto.



13. Consequently, the FIR No.18/2023 registered at Police Station Kartavya Path, New Delhi and the proceedings pursuant thereto are quashed.
14. The petition stands disposed of.
15. All pending applications stand disposed of.

AMIT BANSAL, J

AUGUST 06, 2024/v