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

\+ CRL.M.C. 2135/2024

BENOY MAJUMDAR

..... Petitioner

Through: Mr.Harsh Gautam, Ms.Ankita Gautam, Mr.Mayank Sharma & Mr.Keshav Pratap Singh, Advs.
Petitioner present through VC.

versus

STATE OF NCT OF DELHI & ANR.

..... Respondents

Through: Ms.Priyanka Dalal, APP.
SI Roop Singh, PS Kalkaji.
Mr.Mohit Siwach, Adv. for R-2 & R-3.
Respondent no.2 present in person.

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA

O R D E R

% 09.04.2024

1. This petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 (in short, 'Cr.P.C.') seeking quashing of FIR No. 0617/2022 registered at Police Station: Kalkaji, South-West, Delhi under Sections 287/304A of the Indian Penal Code, 1860 (in short, 'IPC'), along with all other proceedings arising therefrom, on the basis of a settlement.

2. Pursuant to the order dated 15.03.2024, the learned counsel for the petitioner submits that the amended Memo of Parties has been filed, though the same is not on record. The counsel shall have the same placed on record. The Registry is directed to do the needful.

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3. The above FIR has been registered on account of unfortunate death of the son of respondent no.2, who died allegedly due to an electric shock while opening a freezer at the milk processing unit (sweet shop) of the petitioner.

4. The learned counsels for the parties submit that the parties have entered into a Settlement Deed dated 25.01.2024.

5. The respondent no.2, who appears in person in Court today and has been duly identified by the Investigating Officer (IO), he states that he has the authority to make a submission on behalf of respondent no. 3, who is his wife. The respondent nos.2 and 3 re-affirm that they have settled all the disputes with the petitioner of their own free will and without any coercion. The respondent nos.2 and 3 submit that they do not wish to pursue the complaint filed against the petitioner anymore and have no objection if the subject FIR is quashed.

6. The learned counsel for the petitioner has also handed over two demand drafts of Rs. 5.50 lakhs and Rs. 4.50 lakhs, respectively to the respondent no. 2, who is present in person in Court.

7. I have perused the contents of the FIR as also the settlement that has been arrived at between the parties.

8. Keeping in view the nature of the accusations in the FIR and the fact that the petitioner has settled the claims of the Legal Heirs of the deceased, I find that no useful purpose shall be served in continuing with the proceedings of the present FIR, as the chances of its success will be rather minuscule and will be an unnecessary burden on the State exchequer.

9. Guided by the principles enunciated by the Supreme Court in its

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judgments in ***Gian Singh v. State of Punjab***, (2012) 10 SCC 303; ***Parbatbhai Aahir @ Parbatbhai Bhimsinbhai Karmur & Ors. v. State of Gujarat & Ors.*** (2017) 9 SCC 641, ***Narinder Singh and Others v. State of Punjab,*** (2014) 6 SCC 466, and ***State of Haryana & Ors. v. Bhajan Lal & Ors.,*** 1992 Supp (1) SCC 335, this Court deems it appropriate, in the interest of justice, to exercise its inherent powers under Section 482 of the Cr.P.C. to quash the subject FIR and all the proceedings emanating therefrom.

10. Accordingly, the petition is allowed. FIR No. 0617/2022 registered at Police Station: Kalkaji, South-West, Delhi under Sections 287/304A of IPC and all consequential proceedings emanating therefrom against the petitioner are quashed.

NAVIN CHAWLA, J

APRIL 9, 2024/*rv*

Click here to check corrigendum, if any

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