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

+ CRL.M.C. 2171/2024

AFTAB ALAM & ORS.

.....Petitioners

Through: Mr. Rajinder Singh, Mr. Digvijay Singh, Mr. Vibhor Tyagi, Ms. Upasana Nayyar, Ms. Sheryll Singh, Advocates.

versus

STATE OF NCT OF DELHI & ORS.

.....Respondents

Through: Mr. Satish Kumar, APP for the State along with SI Krishan Varma, PS Rajouri Garden.
Mr. Daksh Gupta, Mr. Jatin Yadav and Mr. Gaurav Dua, Advocates.

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

16.10.2024

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1. The instant petition under Section 482 of the Code of Criminal Procedure, 1973 (now Section 528 of the Bhartiya Nagarik Suraksha Sanhita, 2023 (hereinafter "BNSS")) has been filed by the petitioners praying for quashing of FIR bearing No. 116/2019 registered at Police Station Rajouri Garden (West), for offences punishable under Section 304 of the Indian Penal Code, 1860 (hereinafter "IPC") and under Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

2. The brief facts of the case are that the petitioners herein are the



employees and Directors of the company, M/s More Bites N Foods Pvt. Ltd. The respondents were involved in an unfortunate incident, wherein the respondents incurred injuries and out of which, the respondent no. 2 and respondent no. 7 i.e., Mr. Rakesh Kumar and Mr. Ajay Kumar, respectively, were dead.

3. Learned counsel appearing on behalf of the petitioner submitted that the settlement *vide* Memorandum of Understanding dated 16th October, 2024 (“MoU” hereinafter) has been filed *vide* dairy no. E-4601939/2024. The copy of the MoU has been placed before this Court during the arguments and submitted that the said MoU be taken on record.

4. The petitioner is present before this Court and has been identified by his counsel and the Investigating Officer, Police Station Rajouri Garden (West). The respondents, including the surviving heirs of respondent no. 2 and 7, are also present in the Court and have been identified by the Investigating Officer.

5. On the query made by this Court, respondents have categorically stated that they have entered into compromise on their own free will and without any pressure. It is also stated by respondents that the entire dispute has been amicably settled between the parties.

6. It is submitted that the respondents have settled all their claims with the petitioners, where the petitioners have paid the compensation amount of Rs. 12,50,000/- to Late Shri Rakesh Kumar’s wife, Mrs. Shanti Devi (respondent no. 2A) and an amount of Rs. 9,00,000/- to Late Shri Ajay Kumar’s father, Late Mr. Keshav (respondent no. 3A). Additionally, the petitioners have compensated an amount of Rs. 1,00,000/- to Mr. Raju Ray (respondent no. 4) and Mr. Pankaj Kumar (respondent no. 5), respectively.



On the query made by this Court, the respondents agreed to have received the aforesaid amounts of compensation.

7. It is submitted that the remaining amount of compensation i.e., Rs. 3,00,000/- each to Mrs. Shanti Devi and Mrs. Raj Kumari (respondent no. 3B), mother of Late Shri Ajay Kumar; and Rs. 1,00,000/- each to Mr. Raju Ray and Mr. Pankaj Kumar, was agreed to be paid at the time of the quashing of the FIR.

8. Accordingly, the petitioners have handed over a Demand Draft bearing no. 516775 for the balance amount of Rs. 3,00,000/- dated 15th October, 2024 in the name of Mrs. Shanti Devi; Demand Draft bearing no. 516776 for the balance amount of Rs. 3,00,000/- dated 15th October, 2024 in the name of Mrs. Raj Kumari; Demand Draft bearing no. 516777 for the balance amount of Rs. 1,00,000/- dated 15th October, 2024 in the name of Mr. Raju Ray; and Demand Draft bearing no. 516774 for the balance amount of Rs. 1,00,000/- dated 15th October, 2024 in the name of Mr. Pankaj Kumar, today in the Court. The respondents has verified the particulars of the Demand Draft to their satisfaction and stated them to be correct. The copy of the said Demand Draft is handed over by the learned counsel appearing on behalf petitioner during the course of the arguments, which is taken on record.

9. It is prayed that the instant FIR be quashed on the basis of settlement dated 16th October, 2024 and as per 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**.

10. Learned APP for the State submitted that there is no opposition to the prayer made on behalf of the petitioners seeking quashing of the FIR in



question in view of the settlement arrived at between the parties.

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

12. In the instant case, as stated above, the parties have reached at a compromise and amicably settled the entire disputes without any pressure. In view of the settlement arrived at between the parties, the law laid down by the Hon'ble Supreme Court, and no objection given by the learned APP, the present petition is allowed. Accordingly, FIR bearing No. 116/2019 registered at Police Station Rajouri Garden (West), for offences punishable under Section 304 of the IPC, Under Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and all consequential proceedings emanating therefrom are quashed.

13. The petition alongwith pending application stands disposed of.

CHANDRA DHARI SINGH, J

OCTOBER 16, 2024

Rk/mk

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