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

\+ CRL.M.C. 2270/2024

ANUJ @ ANUJ SADANA .....Petitioner

Through: Mr. Navin Kumar, Ms. Ridhi Mehta, Mr. Shobhit Gupta and Mr. Uttam Kumar, Advocates with petitioner in-person.

versus

STATE GOVT OF NCT OF DELHI AND ANR .....Respondents

Through: Ms. Shubhi Gupta, APP for the State with SI Gaurav Singh, P.S.: Kamla Market.

Dr. Sushil Kr. Sharma, Advocate for R-2.

CORAM:
HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

% **30.09.2024**

By way of the present petition filed under section 482 of the Code of Criminal Procedure 1973, the petitioner seeks quashing of case FIR No. 84/2023 dated 18.03.2023 registered under sections 287/304-A of the Indian Penal Code, 1860 ('IPC') at P.S.: Kamla Market, Delhi.

2. Notice on this petition was issued on 20.03.2024. Status Report dated 19.07.2024 has been filed by the State.

3. The petition is premised on Memorandum of Understanding dated 12.03.2024 signed between the petitioner and respondent No.2, who is the wife of the deceased.

4. The petition is supported by affidavits of the petitioner, as also of respondent No. 2, alongwith proof of their I.D.s.

5. Pursuant to last order dated 12.09.2024, respondent No.2 is present in court today. She is also represented by counsel. The court has interacted with her. She has informed the court about the nature of work that her deceased husband was doing for the petitioner; that she has 03 minor children aged about 09 years, 07 years and 05 years; that there is no other bread-earner in the family; and that she is also not in a position to make a living and is presently surviving on financial help provided by her deceased husband's elder brother.

6. In compliance of the last order, the petitioner has placed on record a copy of the claim petition filed by respondent No.2 and her 03 minor children before the Commissioner, Employee's Compensation, by which they have claimed Rs. 23,00,000/- as compensation for the death of respondent No.2's husband, *viz.* Mukesh Raut, which includes compensation for mental agony and legal expenses. The aggregate claim is for Rs. 23,00,000/-, of which Rs. 20,12,005/- is based on their claim that the deceased was receiving monthly salary of Rs. 19,000/-.

7. As part of the terms contained in Memorandum of Understanding dated 12.03.2024, respondent No.2 has agreed to receive from the petitioner a lump-sum of *Rs. 17,00,000/-* towards full-and-final settlement of all her claims, in lieu of which she has agreed to withdraw the claim petition that she has filed before the Commissioner, Employee's Compensation. Of this lump-sum amount, Rs. 12,00,000/- has already been paid to respondent No. 2.

8. Learned counsel for the petitioner submits, that the claim of Rs.23,00,000/- made before the Commissioner, Employee's

Compensation is unreasonable since the deceased was actually receiving monthly salary of only Rs. 15,000/- and not Rs. 19,000/-, as claimed in the said claim petition. Counsel further submits, that the claim of Rs. 23,00,000/- includes compensation for mental agony and legal expenses of Rs.2,88,000/-, which is also excessive.

9. Upon an overall consideration of the case, the court has put to learned counsel for the petitioner that the petitioner should at least pay to respondent No.2 compensation calculated on the basis of the minimum wage for an unskilled worker payable in Delhi as per the schedule of minimum wages under the Employees' Compensation Act, 1923 *applicable at the relevant time*, which is Rs.17,234/- per month.

10. Accordingly, going by the calculation under the Employees' Compensation Act, a fair monetary settlement would be for the petitioner to pay to respondent No.2 the following sum of money : Rs. 17,234/2 x 211.79= Rs. 18,24,994.43 [1] alongwith a sum of Rs. 1,75,000/- towards mental agony and legal expenses incurred by respondent No.2, rounded-off to a total sum of Rs.20,00,000/- (Rs. Twenty Lacs Only).

11. The petitioner is present in court. After taking instructions from the petitioner, learned counsel for the petitioner submits, that the petitioner is ready and willing to pay to respondent No.2 the amount so determined by the court is acceptable to him.

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[1] Also as per the calculation of compensation claimed by respondent No.2 before the Commissioner, Employee's Compensation

12. On taking instructions from respondent No. 2, learned counsel appearing for her also confirms that be sum of Rs. 20 lacs, being more than the amount that she had agreed-to earlier, is acceptable to her towards full-and-final settlement of all her claims, in lieu of which she will withdraw the claim petition pending before the Commissioner, Employees Compensation.

13. The record also shows that respondent No.2 resides in Siwan, Bihar alongwith her 03 minor children; and it would therefore be onerous upon her to pursue further criminal proceedings in the subject FIR; and that monetary settlement in the above terms, which is acceptable to her, serves her interests more appropriately instead of putting her through prolonged legal proceedings, which she says she would not be able to cope with.

14. Accordingly, the petition is allowed, thereby quashing case FIR No.84/2023 dated 18.03.2023 registered under sections 287/304-A IPC at P.S.: Kamla Market, Delhi, premised on Memorandum of Understanding dated 12.03.2024 signed between the parties *subject to the modification* that instead of Rs. 17,00,000/-, the petitioner shall pay to respondent No.2 a total sum of Rs. 20,00,000/- in full-and-final settlement of all claims arising from the death of her husband, Mukesh Raut.

15. Since respondent No.2 confirms that she has already received Rs.12,00,000/-, the petitioner is directed to pay to respondent No.2 the balance sum of Rs. 8,00,000/- within 04 weeks from today, by way of a demand draft drawn in favour of respondent No.2.

16. Let proof of payment of the said sum be placed on record within 01 week thereafter.

17. The Registry is directed to re-list the petition if compensation is not paid as directed above.

18. The petition stands disposed-of in the above terms.

19. Pending applications, if any, also stand disposed-of.

ANUP JAIRAM BHAMBHANI, J

SEPTEMBER 30, 2024/ak