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

+ W.P.(CRL) 929/2024

MOHAMMAD SARFARAZ KHAN

.....Petitioner

Through: Mr.Asif Ali, Mr.Asim Khan and
Mr.Mohammad Samad, Advocates

versus

THE STATE NCTD & ANR.

.....Respondents

Through: Ms.Nandita Rao, ASC for State with
SI Paras
Respondent No.2 in person

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

% **22.07.2024**

1. The present petition has been filed seeking quashing of FIR No.140/2019 registered under Sections 287/304A IPC at P.S. Jaitpur, Delhi and the consequent proceedings arising therefrom on the ground that the parties have settled their disputes.
2. The allegation in the FIR pertains to an accident involving the victim getting electrocuted by a cooler installed at the house of the petitioner leading to his death.
3. Besides pressing for quashing on settlement, learned counsel for the petitioner also states that the ingredients of Section 304A IPC are not made out as neither in the statements of the complainant nor the witness *Surender*, it has been stated that there was any prior complaint of leakage of current from the cooler.



4. Learned APP for the State, on instructions, submits that the petitioner is the only accused and respondent No.2 is the complainant/victim in the present case. He further submits that the chargesheet in the present case has been filed.

5. Learned counsel for the petitioner submits that the petitioner and respondent No. 2 have amicably settled their disputes vide Memorandum of Understanding/Settlement Deed dated 01.03.2024. In terms of the settlement, petitioner has paid Rs.1,50,000/- to respondent and in terms of the settlement, respondent No.2 is now left with no claim or grievance whatsoever against the petitioner.

6. The petitioner, who is present in the Court, has been identified by his counsel as well as by the Investigating Officer. Respondent No.2, who is present in the Court, has also been identified by the Investigating Officer.

7. Respondent No.2 states that he has entered into the aforesaid Memorandum of Understanding/Settlement Deed out of his own free will, volition and without any coercion. He further states that he has no objection if the present FIR and consequent proceedings are quashed.

8. I have heard learned counsels for the parties and also examined the merits of the case. During the course of hearing, learned ASC for the State has read the chargesheet as well as the statements filed alongwith it. The FIR was registered with the allegations that the complainant had earlier asked the petitioner to remove the cooler, which was in the street, there is no allegation either in the FIR or in the supplementary statements dated 05.07.2020 of the complainant about anyone noticing leakage of current in the cooler. The request to remove the cooler was only on account of physical obstruction. Then the considered opinion of this Court, the ingredients of



offence punishable under Section 304A are not fully satisfied. It is worthwhile to note that even in the testimony recorded before the court, the complainant has admitted that there was no prior complaint of leakage of current.

9. Learned counsels for the parties submit that no other proceedings are pending between the parties.

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

11. Having examined the case on merits as well as considering the fact that the parties have reached on an amicable settlement, this Court is of the considered opinion that no useful purpose will be served in continuance of the present criminal proceedings, it is directed that the aforesaid FIR and the consequent proceedings arising therefrom are hereby quashed

12. With the above directions, the petition is disposed of.

MANOJ KUMAR OHRI, J

JULY 22, 2024

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