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

+ **CRL.M.C. 2379/2024**

HEMRAJ & ANR

..... Petitioners

Through: Mr. Rajveer Singh, Advocate with
petitioners in person.

versus

STATE OF NCT OF DELHI & ANR

..... Respondents

Through: Mr. Aashneet Singh, APP for State
with SI Jasbir Malik PS Kapashera,
Delhi.

Respondent Nos.2 to 5 in person.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

20.05.2024

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1. The present proceedings are instituted under Section 482 Cr.P.C. on behalf of the petitioners seeking quashing of FIR No. 416/2021 registered under Section 304A IPC at Police Station Kapashera, Delhi on the ground that the parties have amicably settled their disputes.
2. As per the allegations levelled in the FIR, the deceased was working as a carpenter when he fell from a platform and expired due to non-adherence of safety norms.
3. Mr. Aashneet Singh, learned APP for the State, on instructions, submits that the petitioners are the only accused persons and respondent Nos.2 is the complainant in the present case. It is further submitted that the charge-sheet has been filed. A perusal of the chargesheet would show that it has come on record that the deceased was a habitual drinker. On the day of incident, which incidentally was the day of Diwali festival, he had consumed



alcohol. A desi wine plastic bottle and one steel glass having the smell of alcohol were also recovered from the spot. There is no material on record which would indicate that the incident occurred on account of negligence of anyone else.

4. Learned counsel for the petitioners submits that the present FIR was registered due to misunderstanding and with the intervention of family members and friends, parties have amicably settled their disputes vide compromise deed dated 16.03.2024, a copy of which has been placed on record. In terms of the said settlement, complainant/victims are now left with no claim or grievance against the petitioners. He further states that in terms of the settlement, the petitioners have paid an amount of Rs.4,20,000/- to the respondent No.2 by way of a demand draft bearing number 002213 drawn on HDFC Bank, Palam Vihar today in the Court.

5. The petitioners, who are present in Court, have been identified by their counsel as well as the I.O./ SI Jasbir Malik PS Kapashera, Delhi who is present in the Court. Respondent Nos. 2 to 5 are also present in Court and has been identified by the I.O.

6. The respondent also states that she has entered into the aforementioned compromise out of their own free will, volition and without any coercion. She further states that she has no objection if the present FIR and consequent proceedings are quashed, subject to encashment of demand draft of Rs.4,20,000/-.

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

8. In view of the above facts and considering that no useful purpose will be served in continuance of the proceedings, it is directed that the aforesaid



FIR and the consequent proceedings arising therefrom are hereby quashed, subject to payment of cumulative cost of Rs.1,00,000/- to be paid the petitioners by way of demand draft to the respondent Nos. 2 to 5 within a period of two days from today.

9. Proof evidencing payment of cost shall be filed with the I.O. as well as in Court.

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

11. In case the proof of payment of cost is not filed within two weeks, the IO shall be at liberty to move an appropriate application in this regard.

MANOJ KUMAR OHRI, J

MAY 20, 2024/rd