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

+ **CRL.M.C. 2528/2024**

SHYAM KUMAR MODAK

..... Petitioner

Through: Mr. Ashutosh Bhardwaj and Mr.
Mayank Rajpal, Advs. with petitioner
in person.

versus

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

Through: Mr. Ritesh Kumar Bahri, APP for
State with SI Ghanshyam PS
Wazirabad
Mr. Uttam Datt, Amicus Curiae with
Mr. Kumar Bhaskar, Adv. with
respondents in person.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

24.05.2024

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1. The present petition has been filed under Section 482 CrPC seeking quashing of FIR No.360/2021 under Sections 288/304A IPC registered at Police Station Wazirabad, Delhi and all consequential proceedings emanating therefrom on the ground that the parties have arrived at a settlement.
2. Notice was issued in the matter *vide* order dated 01.04.2024 and Mr. Uttam Datt was also appointed as *Amicus Curiae* in the present case to assist the Court.
3. The learned APP for the State submits that since the FIR the parties



have arrived at a settlement, the State has no objection in case the FIR in question is quashed.

4. The petitioner no.1, as well as, respondent nos. 2 - 6 are present in the Court and they have been identified by their respective counsel and by the Investigating Officer SI Ghanshyam PS Wazirabad.

5. The brief facts of the case are that the petitioner approached the complainant to carry out certain repairs at his house in Burari. While carrying out the construction work one of the labourers namely Shiv Charan @ Shivratan fell off and sustained injuries. Thereafter the petitioner took the injured to the hospital where he was declared brought dead.

6. During the pendency of the proceedings, the parties arrived at a settlement, terms whereof were reduced in writing in the form of compromise deed / MoU dated 01.02.2024, which is annexed as Annexure P3 to the present petition.

7. The learned *Amicus Curiae* has pointed out that the full and final settlement amount which has been agreed between the parties is Rs. 3 Lakhs which is on the lower side.

8. On a query posed by the Court with regard to the enhancement of the settlement amount the learned Counsel for the petitioner, on instructions from the petitioner, who is present in Court states that apart from the agreed amount of Rs. 3,00,000/- further amount of Rs. 1,50,000/- shall be paid to the two minor children of the deceased. In view of the above statement, now the total amount payable to the LRs of the deceased is Rs. 4,50,000/-. Additional amount of Rs. 1,50,000/- as above stated shall be payable as under:

(i) an amount of Rs. 75,000/- to be paid in the name of minor girl child



i.e. Neelam; and

(ii) an amount of Rs. 75,000/- to be paid in the minor boy namely, Krishan Mehto;

9. Out of the said amount of Rs. 4,50,000/-, a sum of Rs. 3,00,000/- has been paid by petitioner no. 1 to respondent nos. 3, 4, 5 and 6, respectively in the following manner:

- (i) by way of Demand Draft bearing No.215760 dated 06.03.2024 issued by Yes Bank of Rs. 75,000/-;
- (ii) by way of Demand Draft bearing No. 215761 dated 06.03.2024 issued by Yes Bank Ltd., Chanakyapuri of Rs. 75,000/-;
- (iii) by way of Demand Draft bearing No.215759 dated 06.03.2024 issued by Yes Bank Ltd., Chanakyapuri, New Delhi of Rs. 75,000/-; and
- (iv) by way of Demand Draft bearing No.215758 dated 06.03.2024 issued by Yes Bank Ltd., Chanakyapuri, New Delhi of Rs. 75,000/-.

10. The respondents who are present in Court, on a query put by the Court, states that they have no objection in case the FIR is quashed.

11. In view of the fact that the parties have arrived at a settlement, no useful purpose will be served in continuing the proceedings, rather the same would create further acrimony between them.

12. It is, thus, in the interest of justice that the present FIR and all the other proceedings emanating therefrom be quashed.

13. Consequently, the petition is allowed and the FIR No.360/2021 under Sections 288/304A IPC registered at Police Station Wazirabad, Delhi alongwith all other proceedings emanating therefrom, is quashed subject to



payment of the balance payment of Rs. 1,50,000/- as mentioned in para 8, within a period of one week.

14. The petition stands disposed of in the above terms.
15. Order be uploaded on the website of this court.

VIKAS MAHAJAN, J

MAY 24, 2024
N.S. ASWAL