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

+ **CRL.M.C. 3306/2023**

ANKIT AGGARWAL

.....Petitioner

Through: Mr. Suresh C. Sati, Advocate along
with petition in person.
Mr. Anuj Soni, Advocate for accused
no. 2 i.e., Mahboob Saifi.

versus

THE STATE OF NCT OF DELHI & ANR.Respondents

Through: Mr. Satish Kumar, APP for the State
along with SI Manjit Singh.
Mr. S. K. Saha and Mr. M. P. Singh,
Advocates for R-2 along with
respondent no. 2 in person.

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

26.11.2024

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1. The instant petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter "BNSS") [earlier under Section 482 of the Code of Criminal Procedure, 1973 (hereinafter "Cr.P.C.")] has been filed by the petitioner praying for quashing of FIR bearing No. 108/2017 registered at Police Station - Kirti Nagar, Delhi, for offences punishable under Sections 288/304A of the Indian Penal Code, 1860 (hereinafter "IPC").

2. The petitioner is present before this Court (through Video Conferencing) and has been identified by his counsel Mr. Suresh C. Sati and



Investigating Officer SI Manjit Singh, Police Station Kirti Nagar, Delhi. The respondent No.2/complainant is also present in the Court and has been identified by the Investigating Officer. Mr. Mahboob Saifi alias Md Mahboob Alam i.e., accused no. 2 in the aforesaid FIR is also present before this Court and has been identified by the Investigating Officer and the respondent no.2/complainant has categorically stated that she does not wish to pursue with the criminal case against both the accused persons.

3. Learned counsel for the parties submitted that the MoU was arrived at between the complainant/respondent no. 2 and petitioner herein, however, she stated that she is not interested in pursuing the instant matter against the second accused as well, who is not part of the MoU.

4. On the query made by this Court, respondent no.2/complainant has categorically stated that she has entered into compromise on her own free will and without any pressure. It is also stated by respondent No.2 that the entire dispute has been amicably settled between the parties.

5. It is submitted that respondent no.2 has settled all her claims in respect of claims of past, present and future compensation with the petitioner for a sum of Rs. 14,10,000/- and all disputes of any nature whatsoever, out of which the remaining amount of Rs.3,00,000/- was agreed to be paid at the time of quashing of the FIR. It is submitted that the respondent no. 2 has already received a sum of Rs. 11,10,000/-. The aforementioned amounts are mentioned after including the interest amount.

6. The petitioner has handed over a Demand Draft bearing No.744313 for the balance amount of Rs.3,00,000/- dated 25th November, 2024 in the name of respondent no.2 today in the Court. The respondent no.2 has verified the particulars of the Demand Draft to her satisfaction and stated



them to be correct.

7. The brief facts of the case are that Mr. Yamin, who was working on furniture in respondent no. 2's restaurant, slipped from upstairs and fell down in the basement, which resulted in his death. Subsequently, the impugned FIR was registered against the respondent no. 2 as well as one Mr. Mahboob Saifi, who is a contractor of the said work.

8. With the intervention of well wishers of the parties entered into settlement on 5th April, 2023. The terms and conditions of the said settlement are mentioned in the Memorandum of Understanding/settlement deed which is annexed as Annexure-C to the petition. However, the aforementioned settlement amount is after the inclusion of interest amount.

9. It is prayed by the learned counsel appearing on behalf of the parties that the instant FIR may be quashed on the basis of the compromise as per the Judgment of the Hon'ble Supreme Court passed in ***Gian Singh vs. State of Punjab*, (2012) 10 SCC 303**. At this juncture, the petitioner appearing in-person also undertakes to not repeat the same conduct in the future.

10. *Per contra*, Mr. Yudhvir Singh Chauhan, learned APP for the State submitted that in case this Court is inclined to allow the instant petition and to quash the FIR in question in view of the settlement arrived at between the parties, cost may be imposed upon the petitioner as the FIR was registered in the year 2017 and a period of more than 7 years of judicial time is wasted.

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

12. Keeping in view the fact that parties have settled the matter as well as undertaking given by the petitioner, no useful purpose would be served by keeping the matter pending. Hence, FIR bearing No. 108/2017 registered at Police Station Kirti Nagar, Delhi, for offences punishable under Sections



288/304A of the IPC and consequent proceedings emanating therefrom are quashed with respect to the respondent no. 2 as well as the accused no. 2, subject to the deposition of the cost of Rs. 10,000/- in the account of Army Central Welfare Fund, Saving Account no. 520101236373338 (IFSC-UBIN0530778), Bank Name- Union Bank of India, Branch- Chandni Chowk, Delhi – 110006 within a period of two weeks by the accused. no. 2. The receipt to the payment of the aforesaid cost shall be furnished before the Investigating Officer as well as the Registry of this Court within two weeks.

13. Accordingly, the instant petition along with pending application(s), if any, stands disposed of.

CHANDRA DHARI SINGH, J

NOVEMBER 26, 2024

Rk/mk

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