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* IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision: 04.04.2024

+ CRL.M.C. 2689/2024

SUMIT MAGGU

..... Petitioner

Through: Ms.Akanksha Anand, Ms.Akanksha
Rajput and Mr.Arjun Wadhwa,
Advocates with Petitioner-in-person.

versus

STATE NCT OF DELHI AND ANR

..... Respondents

Through: Ms.Kiran Bairwa, APP for State with
SI Ankur, PS Nihal Vihar.
Mr.Sunil Kumar Jha, Advocate with
respondent No.2 in person.

CORAM:

HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

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J U D G M E N T

ANOOP KUMAR MENDIRATTA, J (ORAL)

CRL.M.A. 10242/2024

Exemption allowed, subject to just exceptions.

Application stands disposed of.

CRL.M.C. 2689/2024

1. Petition under Section 482 of the Code of Criminal Procedure, 1973 ('Cr.P.C.') has been preferred on behalf of the petitioner for quashing of FIR No. 1168/2020 under Sections 287/337 IPC registered at P.S.: Nihal Vihar and proceedings emanating therefrom. Chargesheet has been filed under Sections 287/338 IPC.

2. Issue notice. Learned APP for the State and learned counsel for respondent No.2 alongwith respondent No.2 appear on advance notice and



accept notice.

3. In brief, as per the case of the prosecution, present FIR was registered on the complaint of respondent No.2/complainant who alleged that he was working as a helper in a factory namely, M/s SM Plast & Chemicals run by the petitioner. On 19.12.2020, at about 6:00 pm while working on moulding machine, respondent No.2 suffered injuries on his hand, on account of faulty operation of the moulding machine. Respondent No.2 further alleged that no corrective measures were taken by the owner despite being earlier apprised in this regard.

4. Learned counsel for the petitioner submits that injuries suffered by respondent No.2 during operation of the moulding machine were accidental despite requisite care and steps being taken on behalf of the petitioner for maintenance of moulding machine. It is further urged that matter has been amicably settled with respondent No.2 whereupon respondent No.2 is to be paid compensation of Rs.3,25,000/-, out of which a sum of Rs.1,75,000/- has already been paid towards treatment.

Balance amount of Rs.1,50,000/- has further been paid to respondent No.2 today through DD No.021329 dated 03.04.2024, drawn on HDFC Bank in favour of respondent No.2.

5. Learned APP for the State submits that in view of amicable settlement between the parties, the State has no objection in case the FIR in question is quashed.

6. Petitioner in the present case seeks to invoke the powers under Section 482 of Code of Criminal Procedure. The same is to be used to secure the ends of justice or to prevent the abuse of process of any Court. In which cases, the power to quash the criminal proceedings or the complaint or FIR



may be used when the offender as well as victim have settled their dispute, would depend upon the facts and circumstances of each case and no generalised list or categories can be prescribed. However, the Court is required to give due regard to the nature and gravity of the offence and consider the impact on the society.

7. It may also be observed that heinous and serious offences involving mental depravity or offences such as murder, rape and dacoity cannot be appropriately quashed despite settlement. However, distinguished from serious offences, the offences which have predominant element of civil dispute or offences involving minor incidents, where the complainant/victim also stands compensated for loss, if any, stand on a different footing, so far as exercise of inherent powers under Section 482 Cr.P.C. is concerned. It may also be assessed, if in view of compromise between the parties, the possibility of conviction in such a case is remote and whether continuation of proceedings would cause grave oppression and prejudice the accused.

8. Petitioner as well as respondent No.2 are present in person and have been identified by SI Ankur, P.S.: Nihal Vihar. I have interacted with the parties and they confirm that the matter has been amicably settled between them without any threat, pressure or coercion. Respondent No.2 also states that nothing remains to be further adjudicated upon between the parties and they have no objection in case the FIR in question is quashed.

9. It needs to be kept in perspective that in criminal cases involving negligence, amount and degree of negligence are the determining factors. Criminal negligence is the gross and culpable neglect or failure to exercise reasonable and proper care and precaution to guard against the injury either to the public generally or to an individual in particular, which having regard



to the circumstances of the case, accused was under a duty to adopt.

The injuries suffered by respondent No.2 in the present case cannot be ruled out to be accidental. Since the matter has been amicably settled between the parties and respondent No.2 has been duly compensated, no useful purpose shall be served by keeping the case pending. Continuation of proceedings would be nothing but an abuse of the process of Court. Consequently, FIR No. 1168/2020 under Sections 287/337 IPC registered at P.S.: Nihal Vihar and the proceedings emanating therefrom stand quashed. In the facts and circumstances, instead of imposing the costs upon the petitioner, he is directed to plant 50 saplings of trees, which are upto 03 feet in height in the local parks in the area in which he resides or in vicinity after getting in touch with the competent authority (i.e. Horticulture Department of MCD/DDA/Conservator of Forests, Department of Forests & Wildlife, Govt. of NCT of Delhi) through IO/SHO, PS Nihal Vihar. The photographs of planted saplings alongwith report of IO/SHO concerned shall be forwarded to this Court within eight weeks. Further, the upkeep of the saplings/trees shall be undertaken by the authorities concerned.

Petition is accordingly disposed of. Pending applications, if any, also stand disposed of.

A copy of this judgment be forwarded to the learned Trial Court for information.

ANOOP KUMAR MENDIRATTA, J.

APRIL 04, 2024/v