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

+ **W.P.(CRL) 1285/2024**

ANIEL MALHOTRA

..... Petitioner

Through: Mr.Siddharth Sharma and Mr.Pranav
Diesh, Adv.

versus

STATE GOVT OF NCT OF DELHI AND ANR Respondents

Through: Ms.Rupali Bandhopadhy, ASC with
Ms.Abhijeet Kumar, Adv with SI
Sandeep, PS Malviya Nagar.
Mr.Saurabh Malhotra, Adv for R-2.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

ORDER

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26.04.2024

CRL.M.A. 12509/2024 (Exemption)

1. Allowed, subject to all just exceptions.
2. Application is disposed of.

W.P.(CRL) 1285/2024

1. By way of the present petition, the petitioner seeks quashing of FIR No. 553/2023 under Sections 288/304A of the Indian Penal Code, 1860 registered at Police Station Malviya Nagar, New Delhi and the proceedings emanating therefrom.
2. The facts of the case show that an unfortunate incident occurred on 02.10.2023 with one *Mr. Bhuidhar Yadav, S/o Late Mr.Ram Naresh*, who was working at *House No.S-52, Panchsheel Park, Malviya Nagar, New*



Delhi, who fell down from the ladder while white-washing and due to his critical condition, the petitioner got him admitted in Safdarjung Hospital, New Delhi. However, on 17.10.2023, during treatment, *Mr. Bhuidhar Yadav* expired. Consequent to the incident, the matter was reported to the Police and accordingly, the FIR in question came to be registered against the present petitioner on 17.10.2023. During the pendency of the FIR in question, the petitioner has been assisting respondent no.2 at various fronts. Being conscious of the fact that respondent no.2 does not have any source of livelihood, the petitioner offered a sum of Rs.8 lakhs as a goodwill gesture to respondent no.2 without admitting his guilt or otherwise.

3. Learned counsel appearing on behalf of respondent no.2 unequivocally stated that they have willingly entered into the aforesaid arrangement and are ready to settle all the disputes against a sum of Rs. 8 lakhs.

4. It is stated before the Court that a sum of Rs.3 lakhs has already been paid and the remaining sum of Rs.5 lakhs is being paid during the course of hearing by way of a demand draft. The same has been handed over to respondent no.2.

5. The petitioner while interacting with this Court additionally offered a sum of Rs. 2 lakhs to be paid to respondent no.2. This Court appreciates the sympathetic gesture of the petitioner who by profession is an *Ophthalmologist*.

6. It be placed on record that the State has no objection in acceding to the prayer made by the petitioner.

7. In view of the aforesaid, the petitioner undertakes to make the further payment of Rs.2 lakhs in favour of respondent no.2 within two days.



8. Let the Demand Draft of Rs. 2 lakhs be handed over to respondent no.2 through the concerned Investigating Officer.

9. Having gone through the material available on record and upon due consideration of the amount paid to respondent no.2, this Court deems it appropriate that it would be in the interest of justice if the impugned FIR No. 553/2023 is quashed.

10. Accordingly and in view of the law laid by the Hon'ble Supreme Court in the matters of *B.S. Joshi & Ors v. State of Haryana & Anr*¹, *Gian Singh v. State of Punjab*² and *Jitendra Raghuvanshi & ors. v. Babita Raghuvanshi & Anr.*³, this Court finds it appropriate to exercise its powers under Section 482 of Cr.P.C. Accordingly, FIR No. 553/2023 under Sections 288/304A IPC registered at Police Station Malviya Nagar, New Delhi and the proceedings emanating therefrom are hereby quashed.

8. The petition is accordingly disposed of alongwith pending application.

PURUSHAINDRA KUMAR KAURAV, J.

APRIL 26, 2024/MJ

¹ (2003) 4 SCC 675

² (2012) 10 SCC 303

³ (2013) 4 SCC 58