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

+ CRL.M.C. 4253/2023

SH. DEVENDER JAIN Petitioner

Through: Mr. Girdhari Singh and Mr. Rajiv Singh, Advocates.

versus

THE STATE (GOVT OF NCT
OF DELHI) & ANR

..... Respondents

Through: Mr. Laksh Khanna, APP for State
with SI Suresh Kumar PS New
Usmanpur, Delhi.
Counsel for respondent No.2
(presence not given) with respondent
No.2/Vijay Singh (father) and Rama
Devi (mother) in person.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

26.04.2024

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1. By way of present petition filed under Section 482 Cr.P.C., the petitioner seeks quashing of FIR No.146/2012 registered under Sections 288/304A IPC at P.S. New Usmanpur on the ground that the parties have amicably settled their disputes.
2. As per the allegations levelled in the FIR, while unloading stones from a gadi, a stone fell on one *Virender*, who succumbed to his injuries.
3. Mr. Laksh Khanna, learned APP for the State, on instructions, submits that the petitioner is the accused and the deceased is survived by his father *Vijay Singh* (respondent No.2 herein) and mother *Rama Devi*.
4. Learned counsel for the petitioner submits that the petitioner and respondent No.2 have amicably settled their disputes vide Settlement dated



27.04.2016, a copy of which has been placed on record. As per the settlement, a sum of Rs.4 lacs has already been paid to respondent No.2. It has been further informed that an order has been passed by learned Commissioner, Employee's Compensation in favour of respondent No.2 wherein an amount of Rs.8,67,640/- alongwith simple interest @ 12% p.a. w.e.f. 01.06.2012 has also been granted. In terms of the settlement, respondent No.2 as well as *Rama Devi* are now left with no claim or grievance against the petitioner.

5. A reading of the FIR nowhere suggests that there was any negligence on the part of the petitioner. Rather, it has been stated that the deceased died due to a stone falling upon him, while unloading the same from a gadi.

6. Petitioner, who is present in Court, has been identified by his counsel as well as the I.O./ SI Suresh Kumar PS New Usmanpur, Delhi. Respondent No.2 as well as *Rama Devi* (mother of the deceased) are also present in Court and have been identified by the counsel as well as I.O. They have handed over their gate passes and the same are taken on record.

7. Respondent No.2 and *Rama Devi* acknowledge receipt of the entire settlement amount and state that they have settled the dispute with the petitioner out of their own free will, volition and without any coercion. They further state that they have no objection if the present FIR and consequent proceedings are quashed.

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

9. 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.



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

APRIL 26, 2024/rd

MANOJ KUMAR OHRI, J