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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CRL.M.C. 3926/2024 and CRL.M.A. 14986/2024

SANJAY KUMAR SINGH & ORS.

.....Petitioners

Through: Mr. Amit Bhagat with Ms. Arzoo Raj,
Advocates and petitioners in court.

versus

STATE OF NCT OF DELHI & ORS.

.....Respondents

Through: Mr. Utkarsh, APP for the State with
ASI Brijendera Singh, P.S.: Inder Puri
and SI Bharti Dahiya, P.S.: Dwarka
North.

Mr. Ranjeet Singh with Mr. A. P.
Singh, Advocates for the
complainants.

R-2 and 3 in court.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

23.10.2024

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By way of the present petition filed under section 482 of the Code of Criminal Procedure 1973, the petitioners seek quashing of case FIR No. 246/2019 dated 06.07.2019 registered under sections 288/338 of the Indian Penal Code, 1860 ('IPC') at P.S.: Dwarka North, Delhi. Consequent upon completion of investigation, offence under section 304-A IPC has been added *vide* chargesheet dated 27.12.2019.

2. The petition is premised on Settlement Deed dated 11.03.2024, whereby the petitioners and respondent Nos. 2 and 3 have resolved the matter amicably.



3. The contesting parties are present in court. Their credentials have been verified and they have also been identified by their respective counsel.
4. Pursuant to last order dated 18.10.2024, Mr. Amit Bhagat, learned counsel appearing for the petitioners has placed on record the compensation calculated under the Employees' Compensation Act 1923 ('EC Act'), based on the premise that the deceased son of respondents Nos. 2 and 3 was 23 years of age and was an unskilled worker. The calculation adopts the minimum wage payable at the relevant time for an unskilled worker in Delhi. In support of the calculation, order dated 23.10.2019 passed by the Labour Department of the Government of NCT of Delhi, setting-out the relevant rates of wages, has been placed on record.
5. Mr. Bhagat submits, on instructions, that the deceased had worked with the petitioners *only* for one day.
6. As per the calculation placed on record, the amount of compensation payable to respondents Nos. 2 and 3 for the death of their son is Rs.15,91,118.30. Mr. Bhagat submits that out of this amount, Rs. 13 lacs has already been received by respondents Nos. 2 and 3.
7. In compliance of the previous directions of this court respondents Nos. 2 and 3 are present in court and are also represented by counsel. They are ordinarily residents of Pratapgarh, Uttar Pradesh.
8. The court has interacted with respondents Nos. 2 and 3. After consulting their counsel, they confirm that the amount of Rs.15,91,118.30 is acceptable to them as compensation to close all further proceedings in the subject FIR.



9. In the opinion of this court since the amount of Rs.15,91,118.30 is in line with the legal entitlement of respondents Nos. 2 and 3 under the EC Act, it would be right, just and fair to round-off the said sum to Rs.16 lacs, and in addition to award Rs.1 lac as costs towards quashing of the subject FIR.
10. Mr. Utkarsh, learned APP confirms that the State has no objection to the subject FIR being quashed.
11. In the circumstances, in line with the law laid down by the Supreme Court in ***Gian Singh vs. State of Punjab & Anr.*** reported as (2012) 10 SCC 303 as also in ***Narinder Singh & Ors. vs. State of Punjab & Anr.*** reported as (2014) 6 SCC 466, this court sees no reason why the subject FIR and all proceedings emanating therefrom should not be quashed. This court is of the view that in light of the settlement between the contesting parties, continuing with the subject FIR and all subsequent proceedings would be an exercise in futility and would not be conducive to peace and harmony between the parties.
12. Accordingly, FIR No. 246/2019 dated 06.07.2019 registered under sections 288/338 IPC at P.S.: Dwarka North, Dwarka is quashed. All proceedings arising therefrom also stand closed.
13. In accordance with the foregoing, this order shall however be *subject to* the petitioners paying to respondents Nos. 2 and 3 an additional sum of Rs.02 lacs *each* toward the balance compensation and costs, by way of demand drafts/pay orders, within 04 weeks.
14. The petitioners are directed to place on record the proof of payment of the aforesaid sums, within 01 week of payment.



15. The Registry is directed to re-list the matter if the monies are not paid as directed.
16. Petition stands disposed-of in the above terms.
17. Pending applications, if any, also stand disposed-of.

ANUP JAIRAM BHAMBHANI, J

OCTOBER 23, 2024
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