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

+ **CRL.M.C. 5155/2023**

J KUMAR INFRA PROJECTS LIMITED

.....Petitioner

Through: Mr. Fanish Kumar Rai and Mr.
Gaurav Sahdev, Advocates

versus

STATE (GOVT. NCT OF DELHI) & ANR.

.....Respondents

Through: Ms. Richa Dhawan, APP for the State
along with SI Manoj Kumar.

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

16.12.2024

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1. The instant petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter "BNSS") [earlier Section 482 of the Code of Criminal Procedure, 1973 (hereinafter "Cr.P.C.")] has been filed by the petitioners praying for quashing of FIR bearing No. 0323/2021 dated 10th August, 2021 registered at Police Station - Kapashera, Delhi, for offences punishable under Sections 287/337 of the Indian Penal Code, 1860 (hereinafter "IPC") and Section 338 of the IPC is added after the filing of the chargesheet.

2. Learned counsel appearing on behalf of the petitioner submitted that he has already filed affidavits of the respondent no. 2 and 3 *vide* diary no. 5996079/2024 dated 13th December, 2024 but the same are not on record, and therefore, during the arguments, he placed the said affidavits of the respondent nos. 2 & 3 before this Court. The same are taken on record.



3. Learned counsel appearing on behalf of the petitioner submitted that on 10th August, 2021, the respondent nos. 2 and 3 were working with the petitioner-company at their construction site and got injured in an accident at work site due to which the present FIR was registered against the petitioner.

4. It is submitted that the respondent nos. 2 and 3 recovered from all injuries sustained at the time of accident and they are medically fit in view of the medical certificate dated 19th December, 2021 issued by the concerned Doctor. Moreover, it is submitted that all the medical expenses related to the medical treatment was paid by the petitioner-company to the respondent nos. 2 and 3.

5. It is further submitted that the petitioner-company has given a sum of Rs. 50,000/- each to respondent nos. 2 and 3 and therefore, the matter is settled between the parties.

6. Therefore, it is prayed that the instant FIR be quashed on the basis of the settlement arrived at between the parties and in accordance with the settled law on this point as posited by the Hon'ble Supreme Court.

7. Learned APP for the State submitted that there is no opposition to quash the FIR in question in view of the settlement arrived at between the parties.

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

9. In the case of ***Gian Singh vs. State of Punjab***, (2012) 10 SCC 303, the Hon'ble Supreme Court observed quashing of the FIR on the basis of amicable resolution of disputes. It is further observed that if the High Court is of the view that continuation of criminal proceedings between the parties would amount to abuse of process of law despite the settlement or



compromise between the parties, the same may be quashed.

10. The authorized representative/engineer in-charge of the site of the petitioner-company is present before this Court. He has been identified by their counsel, Mr. Fanish Kumar Rai, Advocate and Investigating Officer SI Manoj Kumar, Police Station Kapashera, Delhi. The respondent nos. 2 and 3 are also present in the Court and have been identified by counsel and the Investigating Officer.

11. On the query made by this Court, respondent nos. 2 & 3 have categorically stated that they have entered into compromise on their own free will and without any pressure. It is also stated by respondent nos. 2 & 3 that the entire dispute has been amicably settled between the parties. The respondent nos. 2 and 3 have no objection for quashing of the instant FIR as they have settled all their dispute with the petitioner company.

12. In the instant case, as stated above, the parties have arrived at a compromise and amicably settled the entire disputes without any pressure.

13. In view of the settlement arrived at between the parties and the law laid down by the Hon'ble Supreme Court, the present petition is allowed. Accordingly, FIR bearing No. 0323/2021 dated 10th August, 2021 registered at Police Station Kapashera , Delhi, for offences punishable under Sections 287/337/338 of the IPC and all consequential proceedings emanating therefrom are quashed.

14. The petition alongwith pending applications, if any, stand disposed of.

CHANDRA DHARI SINGH, J

DECEMBER 16, 2024/Rk/mk

Click here to check corrigendum, if any