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

+ **CRL.M.C. 4032/2024**

SUNIL PAL

..... Petitioner

Through: Mr.Omprakash Kumar
Srivastava, Mr.Vinay Makhija,
Adv. with petitioner.

versus

THE STATE OF NCT OF DELHI & ANR.

..... Respondents

Through: Ms.Priyanka Dalal, APP with
SI Babu Lal.
Respondent no.2 in person.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

29.05.2024

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1. This petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 (in short, 'Cr.P.C.') seeking quashing of FIR No.295/2019 registered at Police Station: Naraina, New Delhi, under Sections 381/411/174-A of the Indian Penal Code, 1860 (in short, 'IPC'), along with all other proceedings arising therefrom, based on a settlement.

2. The learned counsel for the petitioner submits that the disputes that arose between the parties were civil in nature arising out of employer-employee relationship. The parties have thereafter entered into an amicable settlement, and in pursuance thereof, have executed a Settlement Deed dated 04.09.2023 before the Delhi Mediation Centre,



Patiala House Courts, New Delhi.

3. The respondent no.2, who is present in Court and has been duly identified by the Investigating Officer (IO), affirms the settlement and states that he has settled all the disputes with the petitioner out of his own free will and without any coercion. The respondent no.2 submits that the present FIR be quashed.

4. The petitioner has handed over a Demand Draft of Rs.1 lac to the respondent no.2 in Court as per the terms of the settlement.

5. The learned APP however points out that as the petitioner was absconding, the offence under Section 174A of the IPC has also been added in the FIR. She submits that same cannot be quashed only on the basis of the settlement arrived at between the petitioner and the complainant.

6. I have perused the contents of the FIR, the Settlement, and also have interacted with the parties.

7. Keeping in view the fact that the parties have settled their *inter se* disputes and respondent no.2 does not wish to pursue his complaint any further, as also the Settlement arrived at between the parties, I find that no useful purpose shall be served in continuing with the proceedings of the present FIR as it would rather create further acrimony between the parties and will be an unnecessary burden on the State exchequer.

8. As far as addition of Section 174A of the IPC in the FIR is concerned, though this court is conscious of the fact that the offence under Section 174A of the IPC is not dependent on the settlement between the parties, but is primarily a matter between the Court and



the accused, the continuation of prosecution of offence under Section 174A of the IPC, in the given facts, will only lead to further acrimony and heartburn between the parties, who have otherwise already amicably settled their *inter se* disputes. In similar circumstances, the Punjab and Haryana High Court in its order dated 19.12.2022 passed in CRM-M No. 59270 of 2022, titled ***Sanjeev Kumar v. State of Haryana***, has held that once the main dispute is settled via compromise, continuation of proceedings under Section 174A of the IPC would be an abuse of process of law.

9. Guided by the principles enunciated by the Supreme Court in its judgments in ***Gian Singh v. State of Punjab***, (2012) 10 SCC 303; ***Parbatbhai Aahir @ Parbatbhai Bhimsinbhai Karmur & Ors. v. State of Gujarat & Ors.*** (2017) 9 SCC 641; and, ***State of Haryana & Ors. v. Bhajan Lal & Ors.*** 1992 Supp (1) SCC 335, this Court deems it appropriate, in the interest of justice to exercise its inherent powers under Section 482 of the Cr.P.C. to quash the FIR and all the proceedings emanating therefrom.

10. Accordingly, the petition is allowed. FIR No.295/2019 registered at Police Station: Naraina, New Delhi, under Sections 381/411/174-A of the IPC and all consequential proceedings emanating therefrom against the petitioner are quashed, subject to the petitioner depositing costs of Rs.50,000/- with the Delhi Fire Service Benevolent Fund, Axis Bank Ltd, the Statesman House, 148, Barakhamba Road, New Delhi, Saving Account No.924010014344677, IFSC Code UTI800000007, within a period of four weeks from today. The petitioner shall file, with the Registry of



this Court, proof of the deposit of the above costs and also supply a copy thereof to the concerned IO, within the said period.

NAVIN CHAWLA, J

MAY 29, 2024/Arya/am

Click here to check corrigendum, if any