



\$~74

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(CRL) 1678/2024**

RISHABH BHARGAV & ORS. Petitioners

Through: Mr. Amit Sharma, Adv. with
petitioners in person

versus

STATE N C T OF DELHI & ORS. Respondents

Through: Mr. Sanjay Lao, SC for State with
Mr. Abhinav Kumar Arya, Ms.
Priyam Agrawal and Mr. Shivesh
Kaushik, Advs. with SI Chetan Rana
PS Vasant Kunj South
Respondents in person.

CORAM:
HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER
24.05.2024

%

CRL.M.A. 16348/2024 (exemption)

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

W.P.(CRL) 1678/2024

3. The present petition has been filed under Article 226/227 of the Constitution of India read with Section 482 CrPC seeking quashing of FIR No.383/2022 under Sections 304/34 IPC registered at Police Station Vasant Kunj South (the chargesheet has been subsequently filed under Sections 288/304A/34 IPC) and all consequential proceedings emanating therefrom on the ground that the parties have arrived at a settlement.
4. Issue notice. The learned Standing Counsel for the State accepts



notice. He submits that since the parties have arrived at a settlement, the State has no objection in case the FIR in question is quashed.

5. The petitioner nos. 1 - 3, as well as, respondent nos. 2 - 4 are present in the Court and they have been identified by their respective counsel and by the Investigating Officer SI Chetan Rana PS Vasant Kunj South.

6. The brief facts of the case are that on 17.08.2022 an accident took place while the petitioners were removing the pipes installed near the machine at the construction site. While removing the pipes, the adjacent wall fell down due to which Angand (Husband of respondent no. 2 and son of respondent no. 3 and 4) sustained injuries. He was taken to the hospital where he was declared brought dead.

7. During the pendency of the proceedings, the parties arrived at a settlement, terms whereof were reduced in writing in the form of memorandum of understanding dated 15.05.2023, which is annexed as Annexure P4 to the present petition.

8. It is a term of the settlement between the parties that the petitioner no.1, petitioner no. 2 and petitioner no. 3 shall pay a total sum of Rs.5,50,000/- to the respondent no.2 towards full and final settlement. The amount of Rs. 5,50,000/- has been paid to the respondent no.2 today in the court by the petitioner nos.1, 2 and 3 in the following manner:

- (i) by way of Demand Draft bearing No.518273 dated 10.05.2024 issued by ICICI Bank of Rs. 1,50,000/-
- (ii) by way of Demand Draft bearing No.001284 dated 22.05.2024 issued by HDFC Bank, Gurgaon of Rs. 2,50,000/-.
- (iii) by way of Demand Draft bearing No.276392 dated 22.05.2023 issued by Union Bank of Rs. 1,50,000/-.



9. The receipt of entire amount of Rs.5,50,000/- is acknowledged by the respondent no.2, who is present in court. On a query posed by the Court to the respondents no. 3 and 4, they state that they have no objection in case the entire amount is paid to the respondent no. 2 (widow of the deceased). The respondents no. 2 to 4 further state that they have no objection in case the FIR is quashed.

10. In view of the fact that the parties have arrived at a settlement, no useful purpose will be served in continuing the proceedings, rather the same would create further acrimony between them.

11. It is, thus, in the interest of justice that the present FIR and all the other proceedings emanating therefrom be quashed.

12. Consequently, the petition is allowed and the FIR No.383/2022 under Sections 304/34 IPC (subsequently chargesheet filed under Sections 388/304/34 IPC) registered at Police Station Vasant Kunj South alongwith all other proceedings emanating therefrom, is quashed.

13. The petition stands disposed of in the above terms.

14. Order be uploaded on the website of this court.

VIKAS MAHAJAN, J

MAY 24, 2024

N.S. ASWAL