



\$~47

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CRL.M.C. 5910/2023 & CrI.M.A.22199/2023 (for stay)
JATIN KINRAPetitioner

Through: Mr Ankit Mehta, Advocate

versus

STATE OF NCT OF DELHI THROUGH SHO
& ORS.Respondents

Through: Ms. Richa Dhawan, APP for State
with SI Dharmendra, PS GTB
Enclave

CORAM:
HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER
12.11.2024

%

1. The instant petition under Section 482 of the Code of Criminal Procedure, 1973 [now under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter “BNSS”)] has been filed by the petitioner praying for quashing of FIR bearing No. 384/2018 dated 27th November, 2018 registered at Police Station GTB Enclave, Delhi, for the offences punishable under Sections 304-A/287 of the Indian Penal Code, 1860 (hereinafter “IPC”).
2. The petitioner is present before this Court and has been identified by the Investigating Officer (“IO” hereinafter) SI Dharmendra, Police Station GTB Enclave, Delhi as well as by his counsel.
3. Learned counsel for the petitioner submitted that the respondent Nos.2 & 3 were present before a Co-ordinate Bench of this Court on 30th



October, 2023 and they were duly identified by the IO. He further submitted that on the aforesaid date, the said respondents submitted before the Coordinate Bench of this Court that a compromise has been arrived at between the parties *vide* Settlement Agreement dated 1st October, 2020 as well as Settlement Agreement dated 28th November, 2018. The details of the said settlements have been annexed as Annexures P-2 and P-5 to the instant petition.

4. Learned counsel for the petitioner further submitted that *vide* order dated 18th March, 2020 passed by the learned Labour Commissioner dismissed the review application with cost of Rs. 10,000/- and upheld the awarded compensation amount of Rs. 5,40,840/- as directed *vide* order dated 20th June, 2019, however, the petitioner has paid a sum of Rs.10 lakhs to the legal heirs of the deceased.

6. Therefore, in view of the foregoing submissions, and the compensation amount paid to the victim family, it is prayed that the instant FIR be quashed on the basis of the aforesaid Settlement Agreements and as per the judgments of the Hon'ble Supreme Court passed in ***Gian Singh vs. State of Punjab*, (2012) 10 SCC 303** and ***Parbathbhai Aahir @ Parbathbai vs. State of Gujarat*, (2017) 9 SCC 641**.

7. Ms. Richa Dhawan, learned APP for the State apprised this Court that in pursuance of the order dated 30th October, 2023, passed by the Coordinate Bench of this Court, the detailed status report pertaining to the aforesaid compromise has been filed and the same is on record.

8. It is submitted that the legal heirs of the deceased have already received Rs. 10 Lakhs from the petitioner and thus, there is no opposition to the instant petition seeking quashing of the present FIR.



9. Heard learned counsel for the parties and perused the material placed on record.

10. On the query made by this Court, respondent nos. 2 and 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 and 3 that the entire dispute has been amicably settled between the parties. The parties also undertook that they shall abide by the terms and conditions of the Settlement Agreements arrived at between the parties.

11. The instant criminal proceedings in respect of non-compoundable offences are private in nature and do not have a serious impact on the society especially when there is a settlement/compromise between victim and accused. In such cases, it is settled law that High Court is also required to consider the conduct and antecedents of the accused in order to ascertain that the settlement has been entered into by her own free will and has not been imposed upon her by the petitioner or any person related to him. In the present case, the complainant is present in Court and has categorically stated that she has entered into compromise and settled the entire disputes amicably with the petitioners by her own free will without any pressure or coercion.

12. In the instant case, as stated above, the parties have reached on a compromise and have amicably settled the entire dispute without any coercive pressure.

13. Therefore, in view of the law laid down by the Hon'ble Supreme Court, the present petition is allowed. Accordingly, FIR bearing No. 384/2018 registered at Police Station GTB Enclave for offence punishable under Section 304-A/387 of the IPC and all consequential proceedings



emanating therefrom are quashed.

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

CHANDRA DHARI SINGH, J

NOVEMBER 12, 2024

Rt/sm

Click here to check corrigendum, if any