



\$~41

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

+ **W.P.(CRL) 1721/2024**

DEEPAK JAIN

..... Petitioner

Through: Mr.Sahil Garg, Ms.Samiksha
Jain, Advs

versus

STATE (NCT OF DELHI) & ORS. Respondents

Through: Mr.Amol Sinha, ASC (Crl),
Mr.Kshitiz Garag, Mr.Ashvini
Kumar, Ms.Chavi Lazarus,
Advs. with SI Sanjay Bansal.
Mr.Abhinav Jain, Adv. for R-2
to 9.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

28.05.2024

%

CRL.M.A. 16716/2024 (Exemption)

1. Allowed, subject to all just exceptions.

W.P.(CRL) 1721/2024

2. This petition has been filed under Article 226 and 227 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973 (in short, 'Cr.P.C.') seeking quashing of FIR No.0234/2024 registered at Police Station: Bhajan pura, North-East District, Delhi, under Sections 288/304A of the Indian Penal Code, 1860 (in short, 'IPC'), along with all other proceedings arising therefrom, on the basis of a settlement.

3. Issue notice.

4. Notice is accepted by Mr.Amol Sinha, the learned ASC (Crl.)



for the respondent no.1 and by Mr.Abhinav Jain, Advocate for the respondent nos.2 to 9.

5. The learned counsel for the petitioner submits that the deceased was the husband of the respondent no.4 and the respondent nos.3, 5 to 9 are their children. He submits that the unfortunate accident occurred when the deceased was working in the factory of the petitioner.

6. He submits that the parties have now amicably settled their *inter se* disputes and have executed a settlement vide Memorandum of Compromise/Settlement dated 15.04.2024.

7. The learned counsel for the petitioner submits that in addition to the compensation amount of Rs.4,50,000/- already settled between the legal heirs of the deceased, the petitioner will pay an additional amount of Rs.50,000/- to the widow of the deceased, that is, respondent no.4 herein.

8. Today, he has handed over a Demand Draft of Rs.3 lakhs and cash of Rs.50,000/- to the respondent no.4, who is present in person in Court. Remaining respondent no.2 to 7 are also present in Court in person and respondent nos.8 and 9 are present virtually. They have been duly identified by the learned counsels for the petitioner and the respondent nos.2 to 9.

9. They reaffirm the abovementioned settlement and state that they have settled all their disputes with the petitioner out of their own free will and without any coercion. They submit that they have no objection if the present FIR is quashed.

10. I have perused the contents of the FIR and also the settlement between the parties.



11. Having considered the contents of the FIR and looking into the nature of the allegations and keeping in view the fact that the respondent nos.2 to 9 do not wish to pursue their 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 create further acrimony between the parties and will be an unnecessary burden on the State exchequer.

12. 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.

13. Accordingly, the petition is allowed. FIR No.0234/2024 registered at Police Station: Bhajan pura, North-East District, Delhi, under Sections 288/304A of the IPC and all consequential proceedings emanating therefrom against the petitioner are quashed.

NAVIN CHAWLA, J

MAY 28, 2024/Arya/ss

Click here to check corrigendum, if any