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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CRL.M.C. 4614/2022

SH NARESH KUMAR GUPTA Petitioner
Through: Mr.A.K. Goyal, Adv.
versus

THE STATE NCT OF DELHI & ORS. Respondents
Through: Mr.Aman Usman, APP with SI
Kusum.
Mr.Narendra Thakur, Adv. for
R-2 to 4 with R-2 to 4 in
person.

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA

% **ORDER**
30.01.2024

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.0048/2018 registered at Police Station: Mandir Marg, New Delhi under Section 304-A of the Indian Penal Code, 1860 (in short, 'IPC') along with all other proceedings arising therefrom, on the basis of a settlement.
2. The FIR has been registered on the unfortunate death of deceased Mr.Sandeep in an accident while working in the kitchen managed by the petitioner herein.
3. The learned counsel for the petitioner submits that parties have amicably settled their *inter se* disputes and have executed a Memorandum of Agreement dated 20.05.2018 wherein it is stated that it was the deceased who was under the influence of liquor when the



accident had taken place. In terms of the settlement arrived at between the parties, the petitioner have agreed to pay a total sum of Rs.8.50 lakhs to the complainants, that is, the legal heirs of the deceased.

4. In the order dated 08.01.2024, it was recorded that the petitioner is ready to pay an additional amount of Rs.2.50 lakhs over and above Rs.8.50 lakhs that has been agreed to be paid initially to the respondent nos.2 to 4.

5. The respondent nos.2 to 4 are present in Court in person and have been duly identified by the Investigating Officer (IO). They state that they would not like to pursue the criminal case anymore against the petitioner.

6. The learned counsel for the petitioner has handed over the demand drafts of Rs.3.50 lakhs to the respondent nos.2 to 4 in Court, which is the remaining amount as per the settlement and the order dated 08.01.2024 of this Court.

7. In view of the above and considering the Settlement between the parties, I find that no useful purpose shall be served in continuing with the proceedings of the present FIR; it would rather be an unnecessary burden on the State exchequer.

8. Keeping in mind the facts of the present case and being 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 (2017) 9 SCC 641 and **State of Haryana & Ors. v. Bhajan Lal & Ors.** 1992 Supp (1) SCC 3, 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.

9. Accordingly, the petition is allowed. FIR No. 0048/2018 registered at Police Station: Mandir Marg, New Delhi under Section 304-A of the IPC and all consequential proceedings emanating therefrom against the petitioner are quashed.

NAVIN CHAWLA, J

JANUARY 30, 2024/Arya/ss

Click here to check corrigendum, if any