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

+ **W.P.(CRL) 2584/2023**

ARVIND DAS

..... Petitioner

Through: Mr. Pankaj Kumar, Advocate with
petitioner in-person.

versus

STATE GNCT OF DELHI AND ANR

..... Respondent

Through: Mr. Anand V. Khatri, ASC for the
State with I.O. Manisha, P.S.: Punjabi
Bagh.

CORAM:

HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

ORDER

19.01.2024

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1. The present writ petition under Article 226 of the Constitution of India, read with Section 482 of the Code of Criminal Procedure, 1973 ('Cr.P.C.') has been instituted on behalf of the petitioner seeking quashing of FIR bearing no. 356/2013, registered at Police Station Punjabi Bagh, for offences punishable under Sections 288/337 of the Indian Penal Code, 1860 ('IPC').
2. Issue notice. Learned APP appearing on behalf of the State accepts notice.
3. Brief facts of the case are that a construction agreement was executed between one person Luv Magan and the petitioner on 05.02.2013 in which the petitioner was given the authority to complete the construction of the subject property. It is stated that during the construction of the said property, respondent no. 2 fell from the stairs consequent to which he sustained



injuries and on 28.08.2013, the said FIR was lodged against the present petitioner. It is also stated that after sustaining the injuries, respondent no. 2 was taken to Khetarpal Hospital, New Delhi. It is stated that Respondent no. 2 got discharged on 21.09.2013 and the expenditure incurred on him was taken care of by the petitioner. It is also stated that the medical condition of respondent no. 2 is stable and requires only general medical supervision. It is stated that the petitioner and respondent no. 2 have resolved all the issues and have come to a mutual agreement which has been put into writing *vide* Memorandum of Understanding dated 01.08.2023. Hence the present petition is filed for quashing of the said FIR.

4. Petitioner is present before this Court and has been identified by their counsel Mr. Pankaj Kumar and Investigating Officer (IO) from Police Station Punjabi Bagh, Delhi.

5. On a query made by this Court, respondent no.2, who has been identified by the IO, has categorically stated that he has entered into compromise out of his own free will and without any pressure, coercion or threat. It is also stated by respondent no.2 that the entire dispute has been amicably settled between the parties *vide* Memorandum of Understanding dated 01.08.2023 entered into between them.

6. It is stated by learned counsel appearing on behalf of the complainant that he has received an amount of Rs. 3,75,000 (Rupees Three Lakh Seventy Five Thousand Only) through Demand Draft *vide* DD No. 012902 drawn on Union Bank of India, Punjabi Bagh, Delhi and an amount of Rs. 75,000/- through Paytm (to the Paytm account of Mr. Dhanesh Paswan); and has no objection if the FIR is quashed.

7. In view of the above fact that the parties have amicably resolved their



differences of their own free will, and without any coercion, no useful purpose will be served by continuing the proceedings, rather the same would create further acrimony between them. It would thus be in interest of justice to quash the abovementioned FIR and the proceedings pursuant thereto. There is no legal impediment in quashing the FIR in question.

8. Accordingly, FIR bearing No. 356/2013, registered at Police Station Punjabi Bagh, for offences punishable under Sections 288/337 of the IPC and all consequential proceedings emanating therefrom are quashed

9. The petition stands disposed of.

10. The order be uploaded on the website forthwith.

SWARANA KANTA SHARMA, J

JANUARY 19, 2024/at

[Click here to check corrigendum, if any](#)