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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 5139/2022 & CRL.M.A. 20548/2022 & 25749/2022**
KUSUM DUNGLAY

..... Petitioner

Through: Mr.Sidharth Arora, Adv. along
with the petitioner.

versus

STATE & ORS.

..... Respondents

Through: Mr.Aman Usman, APP.
SI Raghubir, PS Naraina along
with wife and father of the
deceased.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

% **15.02.2024**

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.0111/2017 registered at Police Station: Naraina, West District, Delhi, under Sections 287/336/304A of the Indian Penal Code, 1860 (in short, 'IPC'), along with all other proceedings arising therefrom, on the basis of a settlement.

2. The above FIR has been registered on account of death of Mr. Mithlesh Rai, aged 23 years old, who died allegedly due to an electric shock while working as a Printing Machine Operator in the factory of the petitioner.

3. The learned counsels for the parties submit that the parties have entered into a Memorandum of Settlement dated 16.09.2022.



4. The respondent no.2 appears in person and has been duly identified by the Investigating Officer (IO). The respondent no.3 is the minor child of the deceased Mr. Mithlesh Rai and the respondent no.2. The respondent no.2 re-affirms that she has settled all the disputes with the petitioner of her own free will and without any coercion. The respondent no.2 submits that she does not wish to pursue the complaint filed against the petitioner anymore and has no objection if the subject FIR is quashed.

5. The petitioner, who appears in person in court, hands over a sum of Rs. 50,000/- (Rupees Fifty Thousand Only) in Court to the respondent no.2 (the wife of the deceased) in cash, over and above the settlement amount of Rs.3,50,000/- (Rupees Three Lakhs Fifty Thousand Only) that has been mentioned in the Memorandum of Understanding dated 16.09.2022, entered into between the parties.

6. I have perused the contents of the FIR, Charge Sheet as also the settlement that has been arrived at between the parties.

7. Keeping in view the nature of the accusations in the FIR and the fact that the petitioner has settled the claims of the Legal Heirs of the deceased, I find that no useful purpose shall be served in continuing with the proceedings of the present FIR, as the chances of its success will be rather minuscule and will be an unnecessary burden on the State exchequer.

8. 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, *Narinder Singh and*



Others v. State of Punjab, (2014) 6 SCC 466, 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 subject FIR and all the proceedings emanating therefrom.

9. Accordingly, the petition is allowed. FIR No.0111/2017 registered at Police Station: Naraina, West-District, Delhi, under Sections 287/336/304A of IPC and all consequential proceedings emanating therefrom against the petitioner are quashed.

NAVIN CHAWLA, J

FEBRUARY 15, 2024/rv/ss

Click here to check corrigendum, if any