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

+ **W.P.(CRL) 2021/2024**

DINESH

.....Petitioner

Through: Mr. D. S. Kohli, Mr. Yash Kadyan,
Advocates

versus

THE STATE NCT OF DELHI AND ANR

.....Respondents

Through: Mr. Amol Sinha, ASC for the State
SI Gagandeep, PS Prashant Vihar

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

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08.07.2024

CRL.M.A. 19629/2024 (Exemption)

Allowed, subject to all just exceptions.

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1. The present petition under Section 528 of the Bhartiya Nagrik Suraksha Sanhita, 2023 (BNSS) has been filed for quashing FIR No.599/2022, dated 09.11.2022 under Sections 288/304 IPC registered at Police Station Prashant Vihar, on the ground of amicable settlement arrived at between the parties.
2. Material on record discloses that while working at a construction site, the brother of the Respondent No.2 fell on the slab and sustained grievous injuries and lost his life. The present FIR was, therefore, registered against the Petitioner herein. It is stated that the matter has been settled between the parties and the parties have entered into a Memorandum of Understanding

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dated 01.07.2024 by which the Petitioner has agreed to pay Rs.6,50,000/- to the Respondent No.2.

3. Today, Respondent No.2 and the Petitioner are present in Court and have been identified by their respective Counsels and the Investigating Officer. Respondents No.2 states that he has settled all the disputes with the Petitioner out of his own free will, without pressure, coercion or undue influence. He further state that he has received the entire amount of Rs.6,50,000/- from the Petitioner. The parties undertake that they will remain bound by the settlement arrived at between them and the proceedings recorded before this Court. The parties understand the implication of the present proceedings.

4. In view of the mutual settlement arrived at between the parties and in view of the fact that the instant case is squarely covered by the law laid down by the Supreme Court in Gian Singh vs. State of Punjab, (2012) 10 SCC 303, this Court is satisfied that no useful purpose will be served in continuing with the present proceedings. Resultantly, FIR No.599/2022, dated 09.11.2022 under Sections 288/304 IPC registered at Police Station Prashant Vihar registered at Police Station Shakarpur, and the proceedings emanating therefrom are hereby quashed. The parties shall remain bound by the mutual settlement and the undertaking given to the Court.

5. The Petition stands disposed of in above terms.

SUBRAMONIUM PRASAD, J

JULY 8, 2024

Rahul