



2024:DHC:5215



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* IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision: 15.07.2024

+ W.P.(CRL) 2097/2024

ANSHUL KUMAR PAL

..... Petitioner

Through: Mr. Rohit Sharma, Advocate with
petitioner in person

versus

STATE OF NCT OF DELHI AND ANR.

..... Respondents

Through: Ms. Rupali Bandhopadhyaya, ASC
(Crl.) for State with Mr. Abhijeet
Kumar and Mr. Sagar Mehlawat,
Advocates alongwith HC Constable
Yoginder Singh and SI Naresh Kumar,
P.S. Bhalswa Dairy.
Mr. Kapil, Advocate with respondent
No.2 in person.

CORAM:

HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

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J U D G M E N T**ANOOP KUMAR MENDIRATTA, J (ORAL)****CRL.M.A. 20318/2024**

Exemption allowed, subject to just exceptions.

Application stands disposed of.

W.P.(CRL) 2097/2024

1. Petition under Article 226 of the Constitution of India and Section 482 of the Code of Criminal Procedure, 1973 ('Cr.P.C.') has been preferred on behalf of the petitioner for quashing of FIR No. 434/2024 under Sections 287/337 IPC registered at P.S.: Bhalswa Dairy and proceedings emanating



therefrom.

2. Issue notice. Learned ASC for the State and learned counsel for respondent No.2 alongwith respondent No. 2 appear on advance notice and accept notice.

3. In brief, as per the case of prosecution, present FIR was registered on 28.05.2024 on complaint of Amarpreet Singh (respondent No.2) who was working in 'Anshul Traders' since January, 2024. He alleged that on 11.04.2024, while working on the power press machine, his hand was crushed since the machine was faulty and he was forced to work despite the fact that he was a helper. Further, complaint was lodged since petitioner refused to pay expenses towards his treatment.

4. Learned counsel for the petitioner submits that though the machines were maintained as required, but the unfortunate accident happened due to negligence of complainant. He further informs that matter has been settled in terms of MOU dated 03.07.2024 and respondent No.2 has been duly compensated by payment of a total Rs.2,50,000/-. Out of the same, an amount of Rs. 1,10,000/- had been paid in cash and cheque, and balance amount of Rs.1,40,000/- has been paid today to respondent through DD No.459365 dated 12.07.2024 drawn on Central Bank of India, SSB Delhi Branch.

5. Learned ASC for the State submits that in view of amicable settlement between the parties, she has no objection in case the FIR in question is quashed.

6. Petitioner in the present case seeks to invoke the powers under Section 482 of the Code of Criminal Procedure. The same is to be used to secure the ends of justice or to prevent the abuse of process of Court. In which cases,



the power to quash the criminal proceedings or the complaint or FIR may be used when the offender as well as victim have settled their dispute, would depend upon the facts and circumstances of each case and no generalized list or categories can be prescribed. However, the Court is required to give due regard to the nature and gravity of the offence and consider the impact on the society.

7. It may also be observed that heinous and serious offences involving mental depravity or offences such as murder, rape and dacoity cannot be appropriately quashed despite settlement. However, distinguished from serious offences, the offences which have predominant element of civil dispute or offences involving minor incidents, where the complainant/victim also stands compensated for loss, if any, stand on a different footing, so far as exercise of inherent powers under Section 482 Cr.P.C. is concerned. The High Court also is not foreclosed from examining as to whether there exists material for incorporation of such an offence or as to whether there is sufficient evidence which if proved would lead to proving the charge for the offence charged with. It may also be assessed, if in view of compromise between the parties, the possibility of conviction in such a case is remote and whether continuation of proceedings would cause grave oppression and prejudice the accused.

8. Petitioner and respondent No. 2 are present in person and have been identified by HC Yoginder Singh, P.S. Bhalswa Dairy. I have interacted with the parties and they confirm that the matter has been amicably settled between them without any threat, pressure or coercion. Respondent No. 2 submits that since all the disputes between the parties have been amicably settled, nothing remains to be further adjudicated upon and he has no further



grievance in this regard.

9. It needs to be kept in perspective that in criminal cases involving negligence, amount and degree of negligence are the determining factors. Criminal negligence is the gross and culpable neglect or failure to exercise reasonable and proper care and precaution to guard against the injury either to the public generally or to an individual in particular, which having regard to the circumstances of the case, accused was under a duty to adopt.

The injuries suffered by respondent No. 2 in the present case cannot be ruled out to be accidental. Since the matter has been amicably settled between the parties and respondent No. 2 has been duly compensated, no useful purpose shall be served by keeping the case pending. Continuation of proceedings would be nothing but an abuse of the process of Court. Considering the facts and circumstances, since the matter has been amicably settled between the parties, no useful purpose shall be served by keeping the case pending. Continuation of proceedings would be nothing but an abuse of the process of Court. Consequently, FIR No. 434/2024 under Sections 287/337 IPC registered at P.S.: Bhalswa Dairy and proceedings emanating therefrom stand quashed.

10. In the facts and circumstances, instead of imposing the costs upon the petitioner, he is directed to plant 50 saplings of trees, which are upto 03 feet in height in the area of Bhalswa Dairy after getting in touch with the competent authority (i.e. Horticulture Department of MCD/DDA/ Conservator of Forests, Department of Forests & Wildlife, Govt. of NCT of Delhi) through IO/SHO, P.S. Bhalswa Dairy. The photographs of planted saplings alongwith report of IO/SHO concerned shall be forwarded to this Court within eight weeks. Further, the upkeep of the saplings/trees shall be



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undertaken by the authorities concerned. In case of non compliance of directions for planting of trees, the petitioner shall be liable to deposit cost of Rs. 50,000/- with the Delhi State Legal Services Authority.

Petition is accordingly disposed of. Pending applications, if any, also stand disposed of.

A copy of this order be forwarded to the learned Trial Court for information.

ANOOP KUMAR MENDIRATTA, J.

JULY 15, 2024/v