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

+ **CRL.M.C. 5731/2024, CRL.M.A.21875/2024 (stay)**

SUBEDAR SINGH & ANR.

.....Petitioners

Through: Mr. Sajan Shankar Prasad, Advocate
with petitioner.

versus

STATE OF NCT OF DELHI & ANR.

.....Respondents

Through: Mr. Satinder Singh Bawa, APP for
the State with Inspector Sanjay
Kumar, IO, ASI Krishan Kumar, P.S.
Narela Industrial Area.
Counsel for respondent No. 2
(appearance not given) with R2.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

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02.09.2024

CRL.M.A. 21874/2024 (Exemption)

1. Exemption allowed, subject to all just exceptions.
2. The application stands disposed of.

CRL.M.C. 5731/2024

3. The present Petition under Section 528 of Bhartiya Nagarik Suraksha Sanhita (*hereinafter referred to as 'B.N.S.S.,2023*), has been filed behalf of the petitioner seeking quashing of FIR No. 0643/2023 dated 12.07.2023, registered at Police Station Narela Industrial Area, for the offence punishable under Sections 287/304A of the Indian Penal Code, 1860



(hereinafter referred to as 'IPC').

4. Issue notice.

5. Mr. Satinder Singh Bawa, learned APP accepts notice on behalf of the State.

6. On 11.07.2023, Sh. Dasharath, who was the husband of Smt. Begum, respondent No. 2, met with an unfortunate accident due to electric shock and died on the spot in the factory situated at Ground Floor, Factory No. F-76, DSIIDC, Sector-5, Bawana, Delhi.

7. On the complaint of the respondent No. 2, No. 0643/2023 dated 12.07.2023, for the offence punishable under Sections 287/304A of the IPC, has been registered at Police Station Narela Industrial Area,

8. It has been submitted that the matter has been amicably settled between the respondent No.2/complainant and the petitioner *vide* the re-negotiated mediated Settlement dated 08.08.2024, which is taken on record. As per the terms of the Settlement, the petitioner shall pay a total sum of Rs.5,50,000/- as full and final settlement of all the claim of the respondent No. 2. The petitioner shall pay Rs.25,000/- in cash to the respondent No. 2. It is further submitted that the petitioner shall pay four Demand Drafts in favour of Smt. Begum/respondent No. 2, first draft for a sum of Rs.2,25,000/- shall be paid by the petitioner and three drafts of Rs.1,00,000/- each shall be paid by the petitioner to the respondent No. 2. A request for quashing of the FIR has been made on account of the Settlement Agreement *inter se* the parties. In view of the settlement, the present Petition has been filed.

9. The parties are present in the Court in person and have been identified by their counsel and Investigating Officer concerned. The parties have



endorsed the amicable settlement and accepted the terms thereof voluntarily.

10. It is submitted that the petitioner has paid Rs.5,50,000/- to the respondent No. 2 for herself and for her minor children in full and final settlement of the case. Out of the total sum of Rs.5,50,000/-, the petitioner has already paid Rs.25,000/- in cash to the respondent No. 2. Today, four Demand Drafts for a total sum Rs. 5,25,000/- have been handed over by the petitioner to the respondent No. 2 in the Court. Three Demand Drafts for a sum of Rs.1,00,000/- each have been handed over by the petitioner *vide* Demand Draft Nos. 222525, 222526 and 222528 dated 30.07.2024, made in favour of the Begum, the respondent No. 2, drawn on Union Bank, Rohini, Sector-24 and the same has been accepted by the respondent No. 2. The fourth Demand Draft for a sum of Rs. 2,25,000/-, bearing No. 509872 dated 19.07.2024, made in favour of Begum/respondent No. 2, drawn on Union Bank, Rohini, Sector-24, has been handed over by the petitioner, which is accepted by the respondent No. 2.

11. Out of the amount of Rs.2,25,000/-, in the name of Begum, the respondent No.2, Rs.2,25,000/- be kept in the FDR, for a period of seven years. The FDR for Rs.50,000/- each to be open in respect of the four children of Begum, the respondent No. 2, till they attain the age of majority. The balance cheque amount of Rs.1,00,000/- be released to the respondent No. 2. The respondent No. 2 is at liberty to withdraw the quarterly interest to meet the day to day expenditure of the children.

12. Today, the complainant, who is present in Court states that she has received all the amount due to her and has no objection, if the FIR is quashed.

13. In view of the above facts that the parties have amicably resolved



their differences out of their own free will and without any coercion. Hence, it would be in the interest of justice, to quash the abovementioned FIR and the proceedings pursuant thereto. Moreover, there is no legal impediment in quashing the FIR in question.

14. Accordingly, FIR No. 0643/2023 dated 12.07.2023, registered at Police Station Narela Industrial Area, for the offence punishable under Sections 287/304A of the IPC and all consequential proceedings emanating therefrom are quashed.

15. The Petition stands disposed of. The pending application also stands disposed of.

NEENA BANSAL KRISHNA, J

SEPTEMBER 2, 2024/RS