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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(CRL) 2301/2024**
RAJESH GARG

.....Petitioner

Through: Mr. Sumeet Shokeen, Mr. Kartikey Anand, Ms. Pradanya Kulkarni, Mr. Abhimanyu Singh, Mr. Piyush Bansal, My Sunny, Mr. Mandeep Sehrawat, Mr. Ankit Kumar Jha and Mr. Vikram Dagar, Advocates with petitioner in person.

versus

STATE OF NCT OF DELHI & ORS.

.....Respondents

Through: Mr. Yasir Rauf Ansari, Ld. ASC for State with W/PSI Akanksha Chillar. Mr. Pawash Piyush, Ms. Geetika Sharma, Mr. Piyush Phogat and Mr. Pradeep Phogat, Advocates for respondent No.2 to 6 with R-2 to R-6 in person.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

% **05.08.2024**

CRL.M.A. 22436/2024 (Seeking Exemption)

1. Allowed, subject to just exceptions.
2. The application is accordingly disposed of.

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3. A Petition under Articles 226 and 227 of the Constitution of India read with 482 Cr.P.C has been filed on behalf of the petitioner seeking quashing of FIR No.218/2024 dated 23.02.2024 under Sections 287 and 304A of IPC registered at Police Station Narela Industrial Area.



4. It is submitted in the Petition that the petitioner is engaged in the business of packaging and trading of pulses by the name of Siddharth Agro Foods at DSIDC Industrial Area, Narela, New Delhi, wherein Shri Horil Raut was working at a machine. On 23.02.2024 at about 05:00 A.M Shri Horil Raut suddenly came between the moving belt and lost his consciousness. He was taken to Raja Harish Chander Hospital, where he was declared brought dead. An FIR No.218/2024 was accordingly registered at Police Station Narela under Sections 287/304A against the petitioner.

5. It is submitted that vide MOU dated 24.07.2024 the petitioner has settled the matter with respondent No. 2 Smt. Priti Devi wife of Late Shri Horil Raut and respondent No. 6 Shri Okil Raut father of deceased Shri Horil Raut and have sorted out all their differences with the intervention of their respective persons of the vicinity and they have left no grudge or grievance against each other in any manner whatsoever. Therefore, the Petition be quashed. In view of MOU dated 24.07.2024 the petitioner has agreed to make a payment of Rs.3,50,000/- to respondent no.2 and her three minor children namely Master Ankit Kumar (son), Master Goutam Kumar (son) and Master Sujit Kumar (son) being respondent Nos.3 to 5. The respondent No.2 to 6 have agreed to render all assistance to the petitioner in quashing/withdrawing the FIR No.218/2024 registered against the petitioner. The respondent No.2 to 6 have agreed not to lodge any other complaint against the petitioner herein and that they would be left with no further claim against the petitioner after receiving the compensation as agreed between the parties. It is submitted that the MOU dated 24.07.2024 has been entered into by the petitioner and respondent no.2 to 6 at their free will and without



any pressure, force, coercion or undue influence from any quarter.

6. The complainants are present in the Court and submits that the matter stands settled with all the petitioner and they agree to be bound by the terms of the MOU dated 24.07.2024. The complainants have no objection if the FIR is quashed against the petitioner on account of the settlement already arrived at between the parties.

7. Today, one Demand Draft No. 147289 dated 30.07.2024, in the sum of Rs. 3,50,000/- made in favour of Priti Devi, respondent No. 2, drawn on Kotak Mahindra Bank, Patna Umag Palace, has been handed over to the respondent No. 2/Priti Devi. The petitioner has also paid a sum of Rs.1,50,000/- to the respondent No.2/Priti Devi by way of NEFT with Reference No.FCM-240805C05Z9Y. Thus, the total amount of compensation paid by the petitioner to respondent No.2 is Rs.5 lakhs.

8. Considering that the compensation was paid not only for the wife but also for the three minors as well as the father of the deceased, it is hereby directed that the respondent No. 2 shall get the accounts of the three minors opened in their names and the compensation amount shall be deposited in their accounts in the following manner: -

Name	Age	Amount in Rupees	Remarks
Smt. Priti Devi	30 years	Rs.50,000/-	FDR (For a period of three years)
Master Ankit Kumar	11 years	Rs.1,00,000/-	FDR (Till the age of maturity)
Master Goutam Kumar	8 years	Rs.1,00,000/-	
Master Sujit Kumar	3 years	Rs.1,00,000/-	



9. The FDRs of the children shall be under the guardianship of mother, Smt. Priti Devi and the interest be withdrawn by her quarterly to meet the day-to-day requirements.

10. In view of the above facts that the parties have amicably resolved their differences out of their own free will and without any coercion and no useful purpose will be served in continuing with the proceedings, rather the same would create further acrimony between them. Hence, it would be in the interest of justice to quash the abovementioned FIR and the proceedings pursuant thereto.

11. Moreover, there is no legal impediment in quashing the FIR in question.

12. Accordingly, FIR bearing No. 218/2024 registered at Police Station Narela Industrial Area, Delhi, for offences punishable under Sections 287/304A of IPC, 1860 and all consequential proceedings emanating therefrom are quashed.

13. The petition stands disposed of.

NEENA BANSAL KRISHNA, J

AUGUST 5, 2024/va