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

+ **CRL.M.C. 6025/2024 & CRL.M.A. 22976/2024**

SH SHEO BARAN DUBEY SR CITIZEN

.....Petitioner

Through: Mr. Rajesh Kumar & Ms. Mansi Aggarwal, Advocates with petitioner in person.

versus

STATE OF NCT OF DELHI & ORS.

.....Respondents

Through: Mr. Satinder Singh Bawa, APP for State.

Respondent Nos. 2 & 3 in person.

S.I. Chandraveer, PS S.J. Enclave, Delhi.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

16.08.2024

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1. The present Petition under Section 482 of the Code of Civil Procedure, 1973 (*hereinafter referred to as "Cr.P.C., 1973"*) has been filed on behalf of the petitioner seeking to quash the Criminal Case No. 2927/2023 and Summoning Order dated 11.01.2024 arising from FIR No. 220/2020 registered under Sections 285/304A of the Indian Penal Code, 1860 (*hereinafter referred to as "IPC, 1860"*) at Police Station Safdarjung Enclave, Delhi.

2. Brief facts of the case are that the petitioner's Firm i.e., M/s Dubey Electric Works was awarded the work of replacement of faulty outdated OCBs at H Block and Phase III Sub-Station at Safdarjung Hospital by the Office of the Executive Engineer (E), Safdarjung Hospital Electrical



Division, CPWD.

3. It is submitted that on 12.05.2020 at about 04:00 P.M., deceased-Paras, who was an unskilled labourer working on temporary basis with the petitioner, came in rush from the backside (non-workable site) towards the workable site in a state of shock. He was immediately taken to the Hospital where he was declared as dead by the Doctors and the reason for his death was electrocution.

4. An FIR No. 220/2020 under Sections 385/304A of IPC, 1860 was registered against unknown persons in Safdarjung Enclave Police Station regarding the said incident, wherein the Chargesheet has also been filed.

5. It is submitted that Rs. 10,000/- was transferred to the wife (respondent No. 3) of the deceased-Paras and Rs. 22,000/- was handed over to the father (respondent No. 2) of the deceased-Paras towards the expenses for his last rites.

6. It is submitted that during the pendency of litigation, the petitioner and the respondent No. 2 have settled all the disputes between them *vide* Settlement Agreement dated 03.07.2020 which *inter alia* states that: -

- (i) That the petitioner shall pay a total amount of Rs. 4,00,000/- to the respondent No. 3 (wife of deceased-Paras) over and above to the amount which has already been paid,
- (ii) That the respondent Nos. 2 and 3 shall cooperate the petitioner in getting the present FIR quashed,
- (iii) That the respondent Nos. 2 and 3 give their consent to withdraw/settle all/any civil dispute involving any claim/recovery arising out of unfortunate death of deceased, including any dispute/claim/recovery initiated by Labour Department or Labour



Inspector on the above settlement amount,

(iv) That in case no criminal or civil case is made out against the employer by the Police Investigating Officer or by the Labour Department, the respondent Nos. 2 and 3 consent that they shall not initiate any claim/recovery petition in any court of law as all the disputes stand settled after the receipt of the above settled amount,

(v) That the petitioner shall pay the above settled amount at the time of quashing of present FIR.

7. In view of the Settlement Agreement dated 03.07.2020, the present petition has been filed.

8. It is submitted that Rs. 2,00,000/- has already been paid by the petitioner to the respondent Nos. 2 and 3 in the bank account of respondent No. 3, out of the settlement amount of Rs. 4,00,000/-.

9. It is further submitted that Cr.Case No. 2927/2023 titled as *State vs. Sheo Baran* was registered which is pending before learned Trial Court, Saket District Court, Delhi, wherein the Summoning Order dated 11.01.2024 was passed against the petitioner.

10. It is also submitted that the petitioner has been unfairly implicated in Cr.Case No. 2927/2023 registered under Sections 285/304A of IPC, 1860 which are not compoundable in nature.

11. The petitioner and the respondent Nos. 2 and 3 are present in person in the Court today, and they have been identified by their counsel and Investigating Officer concerned.

12. The parties have submitted that all the disputes have been amicably settled *vide* Settlement Agreement dated 03.07.2020 and thus, no fruitful purpose will be served in continuing with the FIR.



13. The present petition has been signed by the petitioner and is supported by his affidavit. The parties have endorsed and reaffirmed the terms of the settlement and they also submit that the said settlement has been arrived at between the parties without any pressure and coercion.

14. Mr. Pankaj Kumar, Ms. Payal Kumari and Ms. Chandani Kumari, who are the son and daughters of the deceased-Paras, have executed their Special Power of Attorney in favour of their mother-Smt. Pushpa (respondent No. 3) along with their affidavits, giving their no objections.

15. The petitioner has paid an amount of Rs. 2,00,000/- *vide* Demand Draft No. 970642, dated 01.08.2024, made in favour of respondent No. 3-Pushpa, drawn on Indian Bank, Service Branch, Delhi, to the respondent No. 3-Pushpa and the same has been acknowledged by her.

16. Today, the respondent Nos. 2 and 3, who are present in the Court, state that they have settled all the disputes with the petitioner and also received all the settlement amount due to them and have no objection if the FIR is quashed as well as Cr.Case No. 2927/2023.

17. 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 as well as Cr.Case No. 2927/2023 and the proceedings pursuant thereto.

18. Moreover, there is no legal impediment in quashing the FIR as well as Cr.Case No. 2927/2023 in question.

19. Accordingly, FIR bearing No. 220/2016 registered at Police Station Safdarjung Enclave, Delhi, for offences punishable under Sections



285/304A of IPC, 1860, the Chargesheet as well as Cr.Case No. 2927/2023 and all consequential proceedings emanating therefrom are quashed.

20. The petition along with pending application stands disposed of.

NEENA BANSAL KRISHNA, J

AUGUST 16, 2024

S.Sharma