



\$~84

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

+ **W.P.(CRL) 2384/2024**

LOKESH KUMAR BANSAL & ANR.

.....Petitioner

Through: Mr. Pradeep Yadav, Mr. Rajat
Phogat, Mr. Ravi Sharma, Advs.

versus

STATE NCT OF DELHI AND ORS.

.....Respondent

Through: Mr. Anand V. Khatri, ASC
SI Shri Krishan, PS Dwarka North

CORAM:
HON'BLE MR. JUSTICE JASMEET SINGH

ORDER
17.12.2024

%

1. This is a writ petition seeking quashing of F.I.R No. 247/2024 under sections 288/304A/397 IPC registered at Police Station Dwarka North, Delhi.
2. As per the F.I.R., it is stated that the petitioners had given their work on contract to the deceased for painting outside the Flat No. 85 and 87, Netaji Subhash Apartment Pkt-I Phase II, Sector 13, Dwarka. Subsequently, the apparatus used for painting the exteriors collapsed, as a result of which the deceased, namely Ajay Singh fell and succumbed to his injuries. Respondent No. 6 was another painter who fell and also suffered injuries.
3. Respondent no. 2 is the wife of the deceased Ajay Singh. Respondent No. 3-5 are the sons of the deceased.



4. There are no allegations of negligence on the part of the petitioners.
5. It is stated that the parties have arrived at a settlement dated 24.07.2024 for an amount of Rs. 6,00,000/- out of which the petitioners had already paid a sum of Rs. 3,00,000/- to respondent No. 2 by way of cheques and the petitioners are paying the remaining amount of Rs. 3,00,000/- today in favour of respondent no.2 by way of cheque no. 029484 dated 17.12.2024 drawn on ICICI Bank, Gurgaon Branch for an amount of Rs. 1,50,000/- and demand draft no. 274473 dated 13.12.2024 drawn on Canara Bank for an amount of Rs. 1,50,000/-
6. Petitioners are present in Court and have been identified by their counsel, Mr. Pradeep Yadav.
7. Respondent No. 2 and 3 are present in person in Court and respondent No. 4 is present through video conference mode and Respondent No. 2 represents respondent No. 5, who is a minor, they have been identified by the Investigating Officer, SI Shri Krishan, Police Station Dwarka North.
8. Parties state that they have settled the matter and have no objection if the F.I.R is quashed.
9. The petitioners state that they shall pay additional amount of Rs. 50,000/- to each respondent No. 2, 3 4 and 5 within 6 weeks from today in their respective bank accounts and another sum of Rs. 28,000/- in cash to respondent No. 6 within the said period in the presence of the Investigating Officer. Let an affidavit in this regard be filed within 6 weeks.
10. Respondent No. 2 shall open a bank account for respondent No. 5.
11. Respondent Nos. 2, 3 and 4 shall ensure that the bank account of respondent No. 5 is open and the amount would be transferred in his bank account.



12. The proof of payment shall be filed in Court within 6 weeks, alongwith the affidavit of the petitioner showing compliance, failing which the file shall be put up before the Court.

13. Since there are no allegations of negligence on the part of the petitioners and it seems that the incident was an unfortunate accident, I am convinced that quashing of such proceedings on account of compromise would bring about peace and would secure ends of justice. It is to be noted that no amount of money can substitute the loss of life. However, money can serve as a bridge to overcome the difficulties of life due to the loss of a family member. It can lessen the burden of the family members left behind. This should not be treated as a legal precedent and in this case the proceedings are quashed as the respondents have decided to put a quietus to the matter. The Court does not see any fruitful purpose if criminal proceedings are permitted to be prosecuted any further. It is a fit case for quashing. In this view of the matter, there is no reason to continue the proceedings.

14. Subject to the above payment, FIR No. 247/2024 under sections 288/304A/337 IPC registered at Police Station Dwarka North, Delhi and consequential proceedings emanating therefrom are hereby quashed.

15. The petition is disposed of accordingly.

JASMEET SINGH, J

DECEMBER 17, 2024/sp

Click here to check corrigendum, if any