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

+ **CRL.M.C. 9183/2023**

SH GAGAN KAPOOR & ORS.

.....Petitioner

Through: Mr. Ashok K. Goyal and Ms. Perna
Goyal, Advocates.

versus

THE STATE NCT OF DELHI & ORS.

.....Respondent

Through: Mr. Yudhvir Singh Chauhan, APP for
the State with SI Sachin.
Wife of the deceased and younger son
in person.

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER
18.11.2024

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1. The instant petition under Section 482 of the Code of Criminal Procedure, 1973 (now Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023) has been filed on behalf of the petitioners seeking quashing of the FIR bearing No.244/2018 registered at Police Station - Fatehpur Beri, Delhi for the offences punishable under Sections 288/304-A of the Indian Penal Code (hereinafter "IPC").

2. Learned counsel appearing on behalf of the petitioners submitted that the aforesaid FIR was registered at Police Station - Fathehpur Beri on 1st July, 2018 against the petitioner no.1 pursuant to the information received that one Mr. Shiv Kumar, aged about 41 years was brought dead in the Fortis Hospital. It is stated in the FIR that the deceased fell from the stairs



while he was at the work place.

3. It is submitted that pursuant to an order dated 20th May, 2019, the Investigating Officer was directed to re-investigate the matter subsequent to which the petitioner no.2 also joined the investigation. It is submitted consequent to the investigation, the police filed the chargesheet before the learned Trial Court.

4. It is submitted that in the meanwhile the petitioners made genuine efforts at reconciliation and entered into a Settlement Agreement dated 16th November, 2023 with the respondents, wherein, the wife and sons of the deceased entered into a compromise. It is further submitted that the terms and conditions of the said settlement are mentioned in the aforesaid Settlement Agreement which has been annexed as Annexure P-8 to the instant petition.

5. It is submitted that the private respondents have settled all their claims/disputes with the petitioners for which they have agreed to accept a total compensation of Rs.12,50,000/- from all the petitioners. It is submitted that the wife and sons of the deceased have already received an amount of Rs.5,00,000/- and it was further agreed that the petitioners shall pay the balance amount of Rs.7,50,000/- at the time of quashing of the aforesaid FIR.

6. At this stage, the petitioner no.1 has handed over a Demand Draft of Rs.7,50,000/- , bearing no. 196398 dated 14th November, 2024, to the wife of the deceased, particulars of which were checked by her with the help of the learned APP.

7. It is, therefore, prayed that the instant FIR may be quashed on the basis of the aforesaid Settlement Agreement and in terms of the judgment of



the Hon'ble Supreme Court passed in *Gian Singh vs. State of Punjab*, (2012) 10 SCC 303.

8. Learned APP for the State submitted that there is no opposition to the prayer made on behalf of the petitioners seeking quashing of the FIR in question in view of the settlement arrived at between the parties.

9. Heard learned counsel for the parties and perused the record.

10. In the instant case, as stated above, the parties have reached on the compromise and amicably settled the entire disputes without any pressure and the wife and sons of the deceased have received Rs.12,50,000/- in terms of the aforesaid Settlement Agreement.

11. The petitioners are present before this Court and have been duly identified by their counsel, Mr. Ashok K. Goyal, Advocate as well as by the Investigating Officer. The wife and the younger son of the deceased are also present in the Court and have been identified by the Investigating Officer.

12. On the query made by this Court, the wife of the deceased has categorically stated that the respondents have entered into the compromise on their own free will and without any coercion or pressure. It is also stated by her that the entire disputes have been amicably settled between the parties and they do not wish to pursue the matter any further. The parties also undertook that they shall abide by the terms and conditions of the settlement arrived at between the parties.

13. Therefore, in view of the settlement arrived at between the parties, the law laid down by the Hon'ble Supreme Court as well as the fact that the amount has been duly paid to the respondents in terms of the settlement arrived at between the parties and that the respondents no. 2 and 4 have given their no-objection through affidavits to the present being allowed, this



Court is of the view that no purpose would be served by keeping the aforesaid FIR pending for adjudication and that the same would be a futile exercise. Thus, the present case is a fit case to exercise the powers of this Court under Section 482 of the Code of Criminal Procedure, 1973 (now Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023) and in view of the same, the present petition stands allowed.

14. Accordingly, FIR bearing No.244/2018 dated 1st July, 2018 registered at Police Station - Fatehpur Beri, Delhi for the offences punishable under Sections 288/304-A of the IPC and all consequential proceedings emanating therefrom are quashed.

15. In light of the above discussions, the instant petition alongwith pending applications, if any, stand disposed of.

CHANDRA DHARI SINGH, J

NOVEMBER 18, 2024
NA/ryp

Click here to check corrigendum, if any