



\$~25

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

+ **W.P.(CRL) 3727/2023**

ASHOK KUMAR JAIN

.....Petitioner

Through: Mr. D.K. Pandey, Advocate with
petitioner in person.

versus

STATE NCT OF DELHI & ORS.

.....Respondents

Through:

Respondent Nos. 1 & 2 in person.
S.I. Ritu, PS Ashok Vihar, Delhi.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

21.08.2024

%

1. The present Petition under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973 has been filed on behalf of the petitioner seeking to quash the FIR No. 328/2020 registered under Sections 304A of the Indian Penal Code, 1860 (*hereinafter referred to as "IPC, 1860"*) at Police Station Ashok Vihar, Delhi.
2. Brief facts of the case are that deceased-Meraj, husband of respondent No. 3, used to polish on contract basis utensils from factories. On 26.07.2020, Shri Meraj came to B-23, WPIA Basement to collect utensils for polish and he got electrocuted while picking up plates by open electric wire. Shri Meraj was taken to BRJM Hospital where the Hospital declared brought dead.
3. It is submitted that the death of the deceased was on account of his negligence as he was not wearing any safety measure.



4. It is further submitted that on the complaint of respondent No. 2, an FIR bearing No. 328/2020 under Sections 304A of the IPC, 1860 got registered at Police Station Ashok Vihar, Delhi.

5. It is also submitted that the petitioner and the respondent Nos. 2, 3, 8 and 9 have settled all the disputes and differences between them *vide* Compromise Deed dated 23.01.2022 which *inter alia* states that: -

- (i) That both the petitioner shall pay a total sum of Rs. 4,20,000/- to the respondent Nos. 2, 3, 8 and 9 towards compensation,
- (ii) That the petitioner has already paid a sum of Rs. 1,00,000/- on 27.07.2020 to the respondent Nos. 2, 3, 8 and 9,
- (iii) That the remaining balance of Rs. 3,20,000/- shall be paid by the petitioner to the respondent Nos. 2, 3, 8 and 9 at the time of quashing of FIR,
- (iv) That the respondent Nos. 2, 3, 8 and 9 shall cooperate the petitioner in getting the FIR quashed,
- (v) That the parties shall remain bound by the terms of the present Settlement.

6. In view of the Compromise Deed dated 23.01.2022, the present petition has been filed.

7. It is submitted that the petitioner has already paid a sum of Rs. 1,00,000/- to the respondent Nos. 2, 3, 8 and 9.

8. Today, the petitioner has paid the balance sum of Rs. 3,20,000/- to the respondent No. 3/Aarzu *vide* Demand Draft No. 477868, dated 17.08.2024, made in favour of respondent No. 3/Aarzu, drawn on Canara Bank, Sector-3 Rohini Branch, Delhi and the same has been accepted by her.

9. The petitioner and the respondent Nos. 1 and 3 are present in person



in the Court today, whereas the respondent Nos. 3 to 9 have not appeared being the minors, and they have been identified by their counsel and Investigating Officer concerned.

10. The parties have submitted that all the disputes have been amicably settled *vide* Compromise Deed dated 23.01.2022 and thus, no fruitful purpose will be served in continuing with the FIR.

11. 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.

12. The respondent Nos. 2, 3, 8 and 9 have given their Affidavit/No Objection.

13. Today, the complainant/respondent No. 2, who is present in person in the Court, states that she has settled all the disputes with the petitioner and received all the amounts due to her and has no objection if the FIR is quashed.

14. The respondent No. 3 is directed to make an FDR on her name of the amount received today *via* aforesaid Demand Draft for a period of seven years with the facility of withdrawal of interest quarterly so accrued on the said amount.

15. 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.



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

17. Accordingly, without prejudice to the rights of the minor child, the FIR bearing No. 328/2020 registered at Police Station Ashok Vihar, Delhi for offences punishable under Sections 304A of IPC, 1860 and all consequential proceedings emanating therefrom are quashed.

18. The petition stands disposed of.

NEENA BANSAL KRISHNA, J

AUGUST 21, 2024

S.Sharma