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

+ **CRL.M.C. 7054/2024**

ANKIT KOKRA

.....Petitioner

Through: Mr. Harsh Gautam, Mr. Mani
Moorjani & Ms. Ankita Gautam,
Advocates with petitioner in person.

versus

THE STATE OF NCT OF DELHI & ANR.

.....Respondents

Through: Mr. Satinder Singh Bawa, APP with
Ms. Sunpreet Singh, Advocate for
State.
Mr. Madhav Pooviah, Mr. Rohit
Kumar Ray & Mr. Tushar Sharma,
Advocates for R-2 with R-2 in person.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

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06.09.2024

CRL.M.A. 26953/2024 (Exemption)

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

CRL.M.C. 7054/2024

3. The present Petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 has been filed on behalf of the petitioner seeking to quash the FIR No. 235/2019 registered under Sections 287/338 of the Indian Penal Code, 1860 (*hereinafter referred to as "IPC, 1860"*) at Police Station



Sarai Rohilla, Delhi.

4. Brief facts of the case are that the petitioner is the Manager and Authorized Representative and operates a mould making factory by the name of M/s Sevbros Plastics at Shehzada Bagh, Delhi, wherein the respondent No. 2 used to work for more than last 32 years.

5. On 18.07.2019, the alleged incident of amputation of the left hand of the respondent No. 2 took place and the respondent No. 2 made a call on PCR from Model Hospital ESI Basai Dharapur and the same was registered *vide* DD No. 41A.

6. The Investigating Officer on 19.07.2019 recorded the statement of the respondent No. 2 and subsequent to that FIR was lodged under Sections 287/338 of IPC, 1860 and later the moulding machine was seized for investigation which was duly inspected by the Assistant Director, ISH, Government of NCT of Delhi and the basis of the investigation, the Director, ISH, Government of NCT of Delhi filed a report on the machine.

7. After the investigation, statement of the respondent No. 2, MLC Report and inspection report provided by the Assistant Director, ISH, Government of NCT of Delhi, a criminal case was instituted against the petitioner under Sections 287/338 of IPC, 1860 against the petitioner, which is pending trial before the learned Trial Court.

8. It is submitted that the petitioner and the respondent No. 2 have settled all the disputes between them *vide* Settlement Deed dated 03.09.2024 which *inter alia* states that: -

(i) That the respondent No. 2 has undertaken and agreed to withdraw the Case No. 2952/2024 under Sections 287/338 of IPC, 1860 which is pending before the Trial Court,



- (ii) That the petitioner shall pay a sum of Rs. 2,00,000/- to the respondent No. 2 towards compensation at the time of quashing of FIR. The said amount of Rs. 2,00,00/- is over and above all the amounts already paid before and after the aforesaid incident towards the respondent No.2's medical treatment, workman benefits, including ESIC, PF, etc. which were continued throughout by retaining the respondent No. 2 on the muster roll as a workman post incident and continued salary for a period of six months post aforesaid incident.
- (iii) That the petitioner shall file a petition before this Court for quashing of FIR,
- (iv) That the parties shall remain bound by the terms of the Settlement Deed dated 03.09.2024,
- (v) That the Settlement Deed dated 03.09.2024 has been arrived at between the petitioner and the respondent No. 2 without any coercion and pressure, out of their free will.

9. In view of the Settlement Deed dated 03.09.2024, the present petition has been filed.

10. It is submitted that the respondent No. 2 is getting some amount on monthly basis from ESIC.

11. It is further submitted that the petitioner is also taking care of the respondent No. 2's day-to-day requirement and has also supported him during the period of his treatment.

12. The petitioner and the respondent No. 2 are present in person in the Court today, and they have been identified by their counsel and Investigating Officer concerned.

13. Today, the petitioner has paid a sum of Rs. 2,00,000/- to the



respondent No. 2 as the settlement amount *vide* Demand Draft No. 510431, dated 05.09.2024 made in favour of the respondent No. 2/Parbhu Narain Jha, drawn on ICICI Bank, Pitampura – Lok Vihar, Branch, Delhi.

14. However, besides the settlement amount, the petitioner has paid a further sum of Rs. 2,00,000/- to the respondent No. 2 *vide* Demand Draft No. 713259, dated 06.09.2024, made in favour of respondent No. 2/Parbhu Narain Jha, drawn on IDFC First Bank, Sunder Nagar Branch, Delhi.

15. The parties have submitted that all the disputes have been amicably settled *vide* Settlement Deed dated 03.09.2024 and thus, no fruitful purpose will be served in continuing with the FIR.

16. 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.

17. Today, the complainant/respondent No. 2, who is present in the Court, states that he has received all amounts due to him and has no objection if the FIR is quashed.

18. 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.

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

20. Accordingly, FIR bearing No. 235/2019 registered at Police Station



Sarai Rohilla, Delhi, for offences punishable under Sections 287/338 of IPC, 1860 and the Chargesheet and all consequential proceedings emanating therefrom are quashed.

21. The petition stands disposed of.

NEENA BANSAL KRISHNA, J

SEPTEMBER 6, 2024

S.Sharma