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

+ **CRL.M.C. 527/2024**

ANITA DEVI & ORS.

..... Petitioners

Through: Mr. Sunil Dalal, Senior Advocate
with Ms. Manisha Saroha, Advocates with
Petitioners in person.

versus

STATE OF NCT OF DELHI AND ORS.

..... Respondents

Through: Mr. Digam Singh Dagar, APP for
State with IO SI Ashok Singh Chauhan, P.S. Rani
Bagh.

Mr. Navish Bhatti, Advocate for R-2 and R-3 with
R-2 and R-3 in person.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

23.01.2024

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CRL.M.A. 2091/2024 (exemption)

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

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3. This petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No.700/2023 dated 05.08.2023 under Sections 287/304A IPC registered at PS: Rani Bagh including proceedings emanating therefrom.

4. As per the case of the prosecution, Petitioners No. 1 and 2 through Petitioner No. 3 hired the deceased Dharbendra Paswan and Mr. Deepak as labourers at H. No. 2, Pitam Pura Village, Delhi. On 05.08.2023, while deceased was working in the premises of the Petitioners, he stepped on a



wire connected to the submersible pump and as a result of the immediate shock and trauma, he was injured. After he was taken to the Hospital, he was declared as brought dead. Consequently, the present FIR was registered by Sh. Deepak and criminal proceedings are stated to be pending. IO is present in Court and confirms that Charge Sheet has been filed. It is further stated that the deceased is survived by his widow, who is Respondent No.2 herein and three children aged 17, 15 and 8 years respectively.

5. During the pendency of the criminal proceedings, Petitioners have arrived at an amicable settlement with Respondent No. 2 and it was agreed that an amount of Rs.3,50,000/- will be paid to Respondent No. 2, out of which Petitioners No. 1 and 2 shall pay a sum of Rs. 1,25,000/- each and the Contractor i.e. Petitioner No. 3 shall pay a sum of Rs.1 lac. Settlement Deed has been executed on 17.10.2023, a copy of which has been filed along with the petition.

6. It is further stated that out of total sum of Rs.3,50,000/-, a sum of Rs.2,50,000/- has been paid by the Petitioners vide two separate demand drafts of Rs.1,25,000/- each bearing Nos.964375 dated 31.10.2023 and 316755 dated 01.11.2023 and a sum of Rs.50,000/- was paid to Respondent No. 2 through UPI on 03.11.2023 and a further sum of Rs.30,000/- was paid by UPI. Documents in support of the payments have also been filed along with the petition. Remaining balance of Rs.20,000/- was to be paid at the time of quashing of the FIR.

7. Issue notice.

8. Learned APP accepts notice on behalf of the State.

9. Mr. Navish Bhatti, learned counsel accepts notice on behalf of Respondent No.2.



10. Petitioners and Respondents No.2 and 3 are present in Court and are identified by their respective counsels as well as by the Investigating Officer SI Ashok Singh Chauhan, P.S. Rani Bagh. During the course of the hearing, Petitioners who are present in Court have offered and paid a further sum of Rs.1,50,000/- to Respondent No. 2, wherein each of the Petitioners have contributed Rs.50,000/- each. Respondent No. 2 acknowledges the receipt of Rs.3,50,000/- as well as the additional sum of Rs.1,50,000/-. Respondent No. 2 makes a categorical statement that she does not wish to pursue the matter any further on account of the settlement and desires that a quietus be put to the litigation as the death of her husband was a sheer accident and Petitioners had no role in the same. In view of the settlement, learned APP does not oppose the quashing.

11. Parties have been heard. Indisputably, the matter has been amicably resolved between Petitioners and Respondent No. 2 and the terms of settlement stand complied with. Additionally, a sum of Rs.1,50,000/- has been paid by the Petitioners to Respondent No. 2 in Court today. While there can be no dispute that a loss of life of a family member can never be compensated in monetary terms, however, the compensation amount paid to the wife of the deceased may help her tide over her immediate financial crisis.

12. At this stage, it would be apposite to refer to the judgment of the Supreme Court in ***Gian Singh v. State of Punjab and Another, (2012) 10 SCC 303***, the relevant paragraphs of which are as under:-

“58. Where the High Court quashes a criminal proceeding having regard to the fact that the dispute between the offender and the victim has been settled although the offences are not compoundable, it does so as in its opinion, continuation of criminal proceedings will be an exercise in futility and justice in the case demands that the dispute between the parties



is put to an end and peace is restored; securing the ends of justice being the ultimate guiding factor. No doubt, crimes are acts which have harmful effect on the public and consist in wrongdoing that seriously endangers and threatens the well-being of the society and it is not safe to leave the crime-doer only because he and the victim have settled the dispute amicably or that the victim has been paid compensation, yet certain crimes have been made compoundable in law, with or without the permission of the court. In respect of serious offences like murder, rape, dacoity, etc., or other offences of mental depravity under IPC or offences of moral turpitude under special statutes, like the Prevention of Corruption Act or the offences committed by public servants while working in that capacity, the settlement between the offender and the victim can have no legal sanction at all. However, certain offences which overwhelmingly and predominantly bear civil flavour having arisen out of civil, mercantile, commercial, financial, partnership or such like transactions or the offences arising out of matrimony, particularly relating to dowry, etc. or the family dispute, where the wrong is basically to the victim and the offender and the victim have settled all disputes between them amicably, irrespective of the fact that such offences have not been made compoundable, the High Court may within the framework of its inherent power, quash the criminal proceeding or criminal complaint or FIR if it is satisfied that on the face of such settlement, there is hardly any likelihood of the offender being convicted and by not quashing the criminal proceedings, justice shall be casualty and ends of justice shall be defeated. The above list is illustrative and not exhaustive. Each case will depend on its own facts and no hard-and-fast category can be prescribed.

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61. *The position that emerges from the above discussion can be summarised thus : the power of the High Court in quashing a criminal proceeding or FIR or complaint in exercise of its inherent jurisdiction is distinct and different from the power given to a criminal court for compounding the offences under Section 320 of the Code. Inherent power is of wide plenitude with no statutory limitation but it has to be exercised in accord with the guideline engrafted in such power viz. : (i) to secure the ends of justice, or (ii) to prevent abuse of the process of any court. In what cases power to quash the criminal proceeding or complaint or FIR may be exercised where the offender and the victim have settled their dispute would depend on the facts and circumstances of each case and no category can be prescribed. However, before exercise of such power, the High Court must have due regard to the nature and gravity of the crime. Heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. cannot be fittingly quashed even though the victim or victim's family and the offender have settled the dispute. Such offences are*



not private in nature and have a serious impact on society. Similarly, any compromise between the victim and the offender in relation to the offences under special statutes like the Prevention of Corruption Act or the offences committed by public servants while working in that capacity, etc.; cannot provide for any basis for quashing criminal proceedings involving such offences. But the criminal cases having overwhelmingly and predominatingly civil flavour stand on a different footing for the purposes of quashing, particularly the offences arising from commercial, financial, mercantile, civil, partnership or such like transactions or the offences arising out of matrimony relating to dowry, etc. or the family disputes where the wrong is basically private or personal in nature and the parties have resolved their entire dispute. In this category of cases, the High Court may quash the criminal proceedings if in its view, because of the compromise between the offender and the victim, the possibility of conviction is remote and bleak and continuation of the criminal case would put the accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal case despite full and complete settlement and compromise with the victim. In other words, the High Court must consider whether it would be unfair or contrary to the interest of justice to continue with the criminal proceeding or continuation of the criminal proceeding would tantamount to abuse of process of law despite settlement and compromise between the victim and the wrongdoer and whether to secure the ends of justice, it is appropriate that the criminal case is put to an end and if the answer to the above question(s) is in the affirmative, the High Court shall be well within its jurisdiction to quash the criminal proceeding.”

13. In ***Ajay Agarwal & Ors. v. State of NCT of Delhi and Anr.***, decided on 16.05.2023, in ***CRL.M.C. No. 2899/2018***, this Court relying on the judgments of the Supreme Court and assessing the relevant facts of the case was of the view that High Court is not prohibited *per se* in entertaining petitions for quashing of FIRs involving an offence under Section 304A IPC predicated on settlements between the parties and this could be done for various reasons such as where *prima facie* there is no criminal negligence or *mens rea* or considering the socio-economic situation of the family of the deceased, it would be preferable to provide adequate compensation rather than await the conclusion of trial or where the family accepts adequate



compensation and decides not to pursue the complaint, in which case it would be an exercise in futility to continue the criminal proceedings. Co-ordinate Benches of this Court have quashed FIRs under Section 304A IPC, basis the settlement between the parties. In *Upendra Kumar v. State & Ors.*, decided on 16.05.2023 in *CRL. M.C. 1630/2018*, this Court observed that since the matter had been settled between the parties for Rs.5,00,000/- and the legal heirs of the deceased had accepted the payment as adequate compensation, no purpose would be served in continuing the proceedings as the chances of conviction were remote. In this context, I may also refer to orders/judgments of this Court in *Parvinder Singh v. The State & Ors.*, *CRL.M.C. 2451/2023 dated 11.12.2023*; *Ram Lakhan v. State of NCT of Delhi & Ors.*, *W.P.(CRL) 3529/2023 dated 01.12.2023*; *Mahesh Chandra and Ors. v. The State and Ors.*, *CRL.M.C. 8673/2023 dated 29.11.2023* and *Smt. Omvati v. State of NCT of Delhi and Anr.*, 2015 SCC OnLine Del 11356.

14. On assessment of the facts of this case, this Court is of the view that it would be in the interest of justice to put a quietus to the matter considering that the legal heirs of the deceased have amicably settled the matter with the Petitioners and have received the settlement amount and additionally Rs.1,50,000/-. Accordingly, FIR No.700/2023 dated 05.08.2023 under Sections 287/304A IPC registered at PS: Rani Bagh is quashed including proceedings emanating therefrom.

15. Petition stands disposed of in the aforesaid terms.

JYOTI SINGH, J

JANUARY 23, 2023/shivam