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

+ **CRL.M.C. 7711/2024**

SHRI. SHREESH SHARMA

.....Petitioner

Through: Mr.Rajiv K. Garg and Mr.Ashish
Garg, Advocates

versus

THE STATE NCT OF DELHI & ORS.

.....Respondent

Through: Mr. Yudhvir Singh Chauhan, APP for
the State
Mr.Devendra Singh & Mr.Lalit
Nagar, Advocates for R-2 to 4

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

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01.10.2024

CRL.M.A. 29460/2024 (Exemption)

Exemption allowed subject to just exceptions.

The application stands disposed of.

CRL.M.C. 7711/2024 & CRL.M.A. 29459/2024 (Stay)

1. The instant petition under Section 482 of the Code of Criminal Procedure, 1973 (hereinafter as “CRPC”) (currently Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023), has been filed on behalf of the petitioner seeking quashing of FIR bearing No. 453/19 registered at Police Station Mundka, Delhi, for offences punishable under Sections 285/338 of the Indian Penal Code, 1860 (hereinafter “IPC”).

2. The petitioner is present before this Court and has been identified by his counsel Mr.Rajiv K. Garg. The respondents No.2 to 4 are also present in



the Court and have been identified by their counsel.

3. On the query made by this Court, the respondents No.2 to 4 have categorically stated that they have entered into compromise on their own free will and without any pressure. It is also stated by the respondents No.2 to 4 that the entire dispute has been amicably settled between the parties.

4. The brief facts of the case are that the petitioner is one of the Directors of M/s GKW Retail Solutions Private Limited is engaged in the business of manufacturing of metal display stands, store fixtures and furniture, merchandising items, power coating and packaging wooden fixtures and furniture. The said company has been operating its business from the premises at 84/17, Gali no. 2, Mundka Industrial Area, Delhi for the last several years and the respondents No. 2 to 4 were employees working at the said premises.

5. The premises of the said Company at the above-mentioned address are a low-rise constructed building having proper and adequate firefighting equipments. Unfortunately, during the odd hours of 30th December, 2019, an accidental fire broke out from the second floor of the building due to the sudden heavy sparking from the fluctuation/surge arising in the electrical wirings and circuit.

6. Due to the unfortunate breakout of accidental fire, the respondents No. 2 to 4, who were present at the premises, suffered injuries as they allegedly jumped and fell onto the terrace of the adjacent building. The said incident of accidental fire was controlled by the help of fire brigade, however, the abovesaid FIR was lodged against the petitioner herein for the lapse of non-contribution on part of the petitioner.

7. With the mutual understanding and consent on humanitarian grounds,



both the parties entered into settlement on 14th August, 2024. The terms and conditions of the said settlement are mentioned in the settlement deed which is annexed as Annexure P-2 to the petition, whereby the petitioner agreed to pay a lump sum amount of Rs.1,11,000/- to each of the respondents No.2 to 4. In addition to the same, the petitioner has already paid substantial amounts towards the medical expenses and welfare of the respondent no. 2 to 4. Pursuant to the said settlement deed, the petitioner has already paid a sum of Rs.60,000/- each by way of bank transfer/Demand Draft to the respondents No. 2 to 4. The respondents No. 2 to 4 had also executed affidavits, no objections and receipts of part payment in furtherance to the settlement deed.

8. The petitioner has handed over three Demand Drafts bearing No.004260, 004263 and 004262 for the balance amount of Rs.51,000/- each, dated 13th August, 2024 in the name of respondents No.2 to 4 today in the Court. The respondents No.2 to 4 have verified the particulars of the Demand Draft to their satisfaction and stated them to be correct.

9. In view of the above, it is prayed by the learned counsel appearing on behalf of the parties that the instant FIR may be quashed on the basis of the compromise as per the Judgment of the Hon'ble Supreme Court passed in ***Gian Singh vs. State of Punjab, (2012) 10 SCC 303.***

10. Mr.Yudhvir Singh Chauhan, learned APP for the State submitted that there is no opposition to the prayer made by the petitioner seeking quashing of the FIR in question in view of the settlement arrived at between the parties.

11. Heard learned counsel for the parties and perused the material placed on record.



12. In the instant case, as stated above, the parties have reached at a compromise and amicably settled the entire disputes without any pressure. In view of the settlement arrived at between the parties and the law laid down by the Hon'ble Supreme Court, the present petition is allowed. Accordingly, FIR bearing No. 453/19 registered at Police Station Mundka, Delhi, for offences punishable under Sections 285/338 of the IPC and all consequential proceedings emanating therefrom are quashed.

10. The petition alongwith pending application stands disposed of.

CHANDRA DHARI SINGH, J

OCTOBER 1, 2024

Dy/mk

[Click here to check corrigendum, if any](#)