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

+ CRL.M.C. 8434/2024

SONU SHARMA

.....Petitioner

Through: Mr. Vijay Laxmi Goel and Mr.
Surendra Sharma, Advocates
alongwith the petitioner.

versus

STATE (NCT OF DELHI) & ANR.

.....Respondents

Through: Ms. Shubhi Gupta, APP for the State
with SI Krishan Kumar, P.S. Bawana.
Ms. Yakshi Kataria, Advocate for
respondent No.2 alongwith R-2.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

20.11.2024

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By way of the present petition filed under section 528 of the Bharatiya Nagarik Suraksha Sanhita 2023, the petitioner seeks quashing of case FIR No. 773/2022 dated 13.10.2022 registered under sections 287/337 of the Indian Penal Code, 1860 ('IPC') at P.S.: Bawana, Delhi.

2. The petition is premised on Memorandum of Understanding/ Settlement Deed dated 07.10.2024, whereby the petitioner and respondent No. 2 have resolved the matter amicably.
3. The contesting parties are present in court. Their credentials have been verified and they have also been identified by their respective counsel.



4. Ms. Yakshi Kataria, who was appointed *vide* order dated 24.10.2024 to represent respondent No.2 in the present proceedings submits, that based on the benchmark under the Employee's Compensation Act, 1923, respondent No.2 would be entitled to receive compensation from the petitioner in the sum of Rs. 2,00,000/- alongwith medical expenses incurred by him.
5. Ms. Kataria, on instructions of respondent No. 2 who is present in court submits, that the petitioner had paid to respondent No.2 expenses for hospitalization and follow-up physiotherapy for about 06 months, but expenses incurred by respondent No.2 for physiotherapy for another 06 months have not been paid by the petitioner. Counsel submits, that the unpaid expenses for physiotherapy are about Rs.70,000/-.
6. In the circumstances, Ms. Kataria submits that a fair compensation in the matter would be a sum of Rs. 2,70,000/-.
7. Respondent No.2 is present in court. The court has interacted with him. He confirms that he is willing to settle the matter for a total compensation amount of Rs. 2,70,000/-.
8. Learned counsel for the petitioner, on instructions of the petitioner who is present in court submits, that the petitioner is agreeable to paying the sum of Rs. 2,70,000/-.
9. It is observed that in Memorandum of Settlement/Settlement Deed dated 07.10.2024 respondent No.2 had agreed to settle the matter and to concede to quashing of the subject FIR in lieu of payment of Rs.1,00,000/- as full and final settlement of compensation payable to him for the accident and the injury sustained by him.



10. Ms. Shubhi Gupta, learned APP confirms that the State has no objection to the subject FIR being quashed.
11. In the circumstances, in line with the law laid down by the Supreme Court in ***Gian Singh vs. State of Punjab & Anr.*** reported as (2012) 10 SCC 303 as also in ***Narinder Singh & Ors. vs. State of Punjab & Anr.*** reported as (2014) 6 SCC 466, this court sees no reason why the subject FIR and all proceedings emanating therefrom should not be quashed. This court is of the view that in light of the settlement between the contesting parties, continuing with the subject FIR and all subsequent proceedings would be an exercise in futility and would not be conducive to peace and harmony between the parties.
12. Upon an overall conspectus of the facts and circumstances of the case, it is directed that the petitioner shall pay to respondent No.2. the sum of Rs.2,70,000/- within 04 weeks. Let the amount be paid by way of a demand draft/pay order drawn in favour of respondent No.2.
13. Subject to the aforesaid condition, FIR No.773/2022 dated 13.10.2022 registered under sections 287/337 of the Indian Penal Code, 1860 at P.S.: Bawana, Delhi is quashed. All proceedings arising therefrom also stand closed.
14. The petitioner is directed to place on record the proof of payment of compensation within 01 week thereafter.
15. The Registry is directed to re-list the matter if compensation is not paid as directed.
16. This court records its appreciation for the assistance rendered by Ms.Yakshi Kataria, Advocate in the matter by having represented respondent No.2.



17. The petition stands disposed-of in the above terms.
18. Pending applications, if any, also stand disposed-of.

ANUP JAIRAM BHAMBHANI, J

NOVEMBER 20, 2024

V.Rawat