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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 8896/2024 & CrI.M.A.34045/2024**

UDAY KUMARPetitioner

Through: Appearance not given

versus

STATE GOVT NCT OF DELHI AND ORS..Respondents

Through: Mr. Raghuvender Verma, APP
alongwith SI Raghubir Prasad P.S
Khyala

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

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09.12.2024

1. The instant petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter "BNSS") [(earlier Section 482 of the Code of Criminal Procedure, 1973 (hereinafter "CrPC"))] has been filed by the petitioner seeking quashing of FIR bearing No.336/2018, registered at Police Station - Khayala, Delhi, for offences punishable under Sections 287/304-A of the Indian Penal Code, 1860.
2. Issue notice.
3. Learned APP for the State accepts notice on behalf of respondent no.1. Notice is also accepted by respondent Nos.2 to 4, who are present in Court.
4. The brief facts of the case are that the instant FIR was lodged based on the complaint filed by the complainant, namely Mr. Amarjeet Singh Paswan. It is stated in the instant FIR that the victim was electrocuted in the factory owned by the petitioner while fixing the motor of the washing machine, which led to his demise. Hence, the present petition has been filed



before this Court seeking quashing of the instant FIR.

5. Learned counsel appearing on behalf of the petitioner submitted that the parties entered into settlement vide Memorandum of Understanding (hereinafter “MoU”) dated 19th February, 2024 which is annexed as Annexure-B to the petition. It is further submitted that the terms & conditions of the said settlement are mentioned in the MoU.

6. It is submitted that the entire dispute has been amicably settled between the parties and as per the terms of the MoU, the petitioner agreed to pay the respondent nos. 2 to 4 a sum of Rs.5,80,000/- towards settlement and out of which Rs.4,50,000/- have already been paid to them and the remaining amount of Rs.1,30,000/- was agreed to be paid at the time of quashing of aforesaid FIR.

7. It is prayed that the instant FIR may be quashed on the basis of the compromise between the parties.

8. Learned APP for the State submitted that there is no opposition to the prayer made on behalf of the petitioners seeking quashing of the FIR in question in view of the settlement arrived at between the parties.

9. Heard learned counsel for the parties and perused the record.

10. In the case of *Narinder Singh v. State of Punjab*, (2014) 6 SCC 466, the Hon’ble Supreme Court held that the inherent powers of the High Court under Section 482 of the CrPC is to be distinguished from the power of the Court under Section 320 of the CrPC, such that the former enables the Court to quash criminal proceedings which are not compoundable in nature, where the parties have settled the matter between themselves.

11. The petitioner is present before this Court and has been identified by his counsel and by the Investigating Officer (hereinafter “IO”) SI Raghubir



Prasad, Police Station Khayala. The respondent nos.2 to 4 are also present in the Court and have been identified by the IO.

12. The petitioner has handed over a Demand Draft bearing No.008709 for the balance amount of Rs.1,30,000/- dated 19th September, 2024 in the name of respondent No.2 today in the Court. The respondent No.2 has verified the particulars of the Demand Draft to her satisfaction and stated them to be correct. Respondent nos.3 & 4, present in Court, submit that respondent no.2 is their mother and they do not have any objection if the balance amount of Rs.1,30,000/- is paid in favour of respondent No.2.

13. On the query made by this Court, respondent nos.2 to 4 have categorically stated that they have entered into settlement on their own free will and without any pressure. At this juncture, the petitioner appearing in-person also undertakes to not repeat the same conduct in the future.

14. Keeping in view the fact that the parties have settled the matter as well as the undertaking given by the petitioners, no useful purpose would be served by keeping the matter pending. Hence, FIR bearing No.336/2018, registered at Police Station - Khayala, Delhi, for offences punishable under Sections 287/304-A of the IPC and consequent proceedings emanating therefrom are quashed.

15. The petition along with pending applications stands disposed of.

CHANDRA DHARI SINGH, J

DECEMBER 9, 2024

Rt/st

Click here to check corrigendum, if any