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

+ **CRL.M.C. 9055/2024**

ALLAUDDIN AND ORS

.....Petitioner

Through: Mr. Vipul Srivastav, Mr. Rajindera
Vats, Mr. Aditya Sharda, Ms. Ritika
Ghai, Mr. Kislaya Prasher,
Advocates.

versus

THE STATE GOVT OF NCT OF DELHI AND OTHERS

.....Respondent

Through: Mr. Raghuinder Verma, APP for the
State with SI Arun Kumar
Mother and wife of the deceased in
person.

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

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20.11.2024

CRL.M.A. 34704/2024

Exemption is allowed, subject to all just exceptions.

The application stands disposed of.

CRL.M.C. 9055/2024

1. The instant petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter "BNSS") has been filed by the petitioner praying for quashing of FIR bearing No. 482/2016 registered at Police Station - Hazrat Nizamuddin, for offences punishable under Sections 288/304-A/34 of the Indian Penal Code, 1860 (hereinafter "IPC").
2. Learned counsel appearing on behalf of the petitioner submitted that



the petitioner no. 4 i.e. M/s. S.S. Construction Co. was granted a contract to renovate the Oberoi Hotel, at Dr. Zakir Hussain Marg, New Delhi and for the said work the petitioner no. 4 hired various sub-contractors and through them, a number of daily wage labourers were employed to execute the contract of renovation at the Oberoi Hotel.

3. It is submitted that the petitioner no. 1, i.e. Mr. Allaudin was engaged as one of the Sub-Contractors for the execution of the electrical work. During the execution of electric work at the ground floor of the Oberoi Hotel, Mr. Waseem (one of the workers of the petitioner no. 1) came into contact with an electric wire and got injured. The injured was then admitted in Mool Chand Hospital. Thereafter, the family members of the injured got him admitted in Ambe Hospital, Sahibabad, UP. On 27th October, 2016, Mr. Waseem was declared dead and the aforesaid FIR was registered. It is informed that chargesheet as well as supplementary chargesheet has been filed.

4. It is submitted that with the intervention of the relatives and respected members of the society and upon mutual discussions, the parties entered into a settlement pursuant to which a Memorandum of Understanding dated 12th September, 2024 was executed.

5. It is submitted that the terms and conditions of the said settlement are mentioned in the Memorandum of Understanding which is annexed as Annexure A/3 to the instant petition. It is further submitted that the petitioners have agreed to pay a total sum of Rs.12,00,000/- to the mother, wife and minor children of the deceased.

6. At this stage, as per the settlement, learned counsel for the petitioners handed over four demand drafts totalling to Rs.12,00,000/- to the



respondents no.2 and 3, who are present in Court. Photocopy of the drafts have already been filed alongwith the instant petition as AnnexureA/4.

7. It is submitted that Rs.9,00,000/- has been paid to the minor children (Rs.4,50,000/- each) through their grandmother. Rs. 2,00,000/- has been paid to the mother of the deceased and Rs. 1,00,000/- has been paid to the wife of the deceased through the aforesaid demand drafts. It is further submitted that the respondents no. 2 and 3 have also given their no-objection for quashing of the FIR through an affidavit which are appended as Annexure A/5 to the instant petition.

8. 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 in terms of the judgment of the Hon'ble Supreme Court passed in ***Gian Singh vs. State of Punjab, (2012) 10 SCC 303.***

9. Mr. Raghuinder Verma, learned APP for the State submitted that he has no objection to the instant petition being allowed and quashing of the FIR in question in view of the settlement arrived at between the parties

10. Heard learned counsel for the parties and perused the material available on record.

11. The petitioners no.1 to 3 and Authorized Representative of the petitioner no.4 are present before this Court and all of them have been identified by their counsel Mr. Vipul Shrivastav as well as by the Investigating Officer. The respondents no.2 and 3, i.e., mother, minor children and wife of the deceased, respectively are also present in the Court and have been identified by the Investigating Officer.

12. On the query made by this Court, respondents no.2 and 3 have categorically stated that they have entered into compromise on their own



free will and without any undue pressure. It is also stated by the respondents no.2 and 3 that the entire dispute has been amicably settled between the parties. It is also informed that the wife of the deceased, i.e., respondent no.3 has already re-married.

13. Keeping in view the fact that the parties have settled the matter and the judgment of the Hon'ble Supreme Court passed in **Gian Singh (Supra)**, this Court is of the opinion that no useful purpose would be served by keeping the matter pending.

14. Therefore, FIR bearing No. 482/2016 registered at Police Station - Hazrat Nizamuddin, Delhi for offences punishable under Sections 288/304-A/34 of the IPC and all the consequential proceedings emanating therefrom are, hereby, quashed.

15. It is directed that the amount which has been given in favour of the minor children of the deceased shall be kept in an interest bearing FDR and the same shall be released to them upon attaining the age of majority.

16. Accordingly, the instant petition is allowed and stands disposed of. Pending applications, if any, stands dismissed.

CHANDRA DHARI SINGH, J

NOVEMBER 20, 2024

NA/ryp

Click here to check corrigendum, if any