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

+ **CRL.M.C. 9215/2024, CRL.M.A. 35332/2024**

PAWAN KAUSHIK

.....Petitioner

Through: Ms. Aruna Mehta, Adv. with
petitioner.

versus

THE STATE GOVT. OF NCT OF DELHI AND ORS....Respondents

Through: Ms. Kiran Bairwa, APP for the State
with SI Sanjay Bansal, PS Bhajanpura
Mohd. Arshan, Adv. with wife of the
Neeraj Kumar.

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

26.11.2024

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The present petition has been filed seeking quashing of FIR No.272/2011 dated 18/06/2011 Registered u/s 304A/506 IPC AT PS Bhajan Pura on the basis of settlement vide MOU dated 18.01.2024.

The learned counsel for the petitioner submits that on the day of the incident, the 9-year-old son of respondents no. 2 and 3, while playing with other children, accidentally came into contact with a cooler installed in the petitioner's window. As a result, the child became stuck to the cooler and tragically passed away. Consequently, FIR no. 272/11, dated 18/06/2011, was registered against the petitioner, and a charge sheet was filed. It has been submitted that during the pendency of the proceedings, the parties have reached an amicable settlement through a Memorandum of Understanding (MOU) dated 18.01.2024, on the following terms and conditions:



- 1. That the 2nd party has agreed that the 1st party will move a petition under section 482 Cr.P.C. for the quashing of the above said FIR and charge-sheet emanating from the said FIR and the 2nd party would record their statement before the Hon'ble High Court of Delhi regarding the settlement of the criminal case without any coercion or pressure on the part of the 1st party.*
- 2. That this compromise is arrived with the good offices of the neighbours who are known to both of the parties and now both the parties have grudge against each other and the relations have become normal in between both the parties.*
- 3. That both the parties would abide by these terms and conditions and would assist each other in the quashing of the FIR*
- 4. In witness whereof, both the parties put their respective hands unto this memorandum of understanding on the day month and year hereinafter referred above.*

Respondent No.2& 3are present in court and have duly been identified by IO. They submit that they have entered into the settlement with the petitioners voluntarily without any fear, force or coercion and have no objection if the present FIR and all the proceedings emanating therefrom are quashed.

Taking into account the totality of facts and circumstance, FIR No.272/2011 dated 18.06.2011 registered u/s 304A/506 IPC AT PS Bhajan and all the proceedings emanating therefrom are quashed.

DINESH KUMAR SHARMA, J

NOVEMBER 26, 2024

Pallavi/smg