



\$~38

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

+ CRL.M.C. 9485/2024 CRL.M.A. 36411/2024

CHINMAY GUPTA AND ANRPetitioners

Through: Mr. Jeetender Gupta & Mr. Ashish
Mishra, Advocates.

versus

STATE OF NCT OF DELHI AND ANRRespondents

Through: Mr. Satinder Singh Bawa, APP for
State & SI Pankaj PS Anand Vihar.

CORAM:
HON'BLE MR. JUSTICE ANISH DAYAL

ORDER
16.12.2024

%

1. This petition has been filed seeking quashing of FIR No.330/2019 dated 28th August 2019 registered at PS Anand Vihar under Sections 288/337 IPC based on settlement arrived at between the parties dated 29th November, 2024, which is on record of this Court. Chargesheet was filed under Section 288/304A IPC.
2. Petitioner nos.1 and 2 and respondent no.2 are present in Court; all of them are duly identified by the IO and the counsel.
3. Respondent no.2 (*wife of the deceased*) is accompanied by her brother-in-law (*jeth/elder brother of the deceased*).
4. As per the settlement, an amount of Rs.3 lakhs has been paid to respondent no.2, in accordance with clause 1 of the settlement agreement; the amount has been invested in the names of the deceased's four minor children in the form of Kisan Vikas Patra (*for Rs. 50,000/- each*) at Post Office Madawra, Uttar Pradesh with maturity on 5th April 2029. Balance



sum of Rs. 1 lakh has been utilised for day-to-day expenses and the family's welfare, including the minor children. This aspect is confirmed by respondent no.2, who is present in Court today.

5. As per Clause 2 of the settlement agreement, although another sum of Rs. 3 lakhs has to be paid to respondent no.2 which is also to be distributed amongst respondent no.2 and her minor children in the above manner.

6. However, at this stage, counsel for petitioner, on instructions from the petitioners, states that instead of an additional amount of Rs.3 lakhs, they will pay Rs.11 lakhs to respondent no.2, to secure their future and livelihood.

7. Petitioners undertake to pay this additional amount of Rs. 11 lakhs within this week. The said amount shall be invested in the names of four minor children, in the form of Kisan Vikas Patras for Rs. 2,00,000/- (*Rupees Two Lakh Only*) each at Post Office Madawra, UP and balance sum of Rs.3,00,000/- (*Rupees Three Lakh Only*) shall be transferred into designated account of respondent no.2 (A/c No. 4604311678) details whereof shall be provided to the petitioners by the IO.

8. An affidavit of compliance pertaining to the above be filed within 2 weeks thereafter.

9. In light of the above discussion, respondent no.2 states that she has no objection to the FIR being quashed.

10. Considering the above settlement between the parties, the No Objection given by the respondent no.2, and the chances of conviction of the petitioners being remote and bleak, there is no use continuing with proceedings of the present FIR as it would be a misuse of the process of the Court and an unnecessary burden on the State exchequer.

11. Accordingly, the petition is allowed. Consequently, FIR No.330/2019 dated 28th August 2019 registered at PS Anand Vihar under Sections



288/337 IPC and proceedings emanating therefrom are quashed, subject to compliance of the above undertaking.

12. Parties shall abide by the terms of settlement.

13. Accordingly, the petition is disposed of. Pending applications is disposed of as infructuous.

14. *Dasti*

15. Order be uploaded on the website of this Court.

ANISH DAYAL, J

DECEMBER 16, 2024/sm/sc