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

+ **CRL.M.C. 9638/2024**

POOJA KHANNA

.....Petitioner

Through: Mr. Mayank Barua and Mr. Manoj
Kr. Gupta, Advs. along with
petitioner in person.

versus

THE STATE GOVT. OF NCT OF DELHIRespondent

Through: Mr. Utkarsh, APP for State with SI
Mohit Kumar, PS. CR Park.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

13.12.2024

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1. The present petition has been filed under Section 528 BNSS seeking quashing of FIR No.235/2016 under Section 304A IPC registered at Police Station C.R. Park and all consequential proceedings emanating therefrom on the ground that the parties have arrived at a settlement.
2. Issue notice. The learned APP for the State accepts notice. He submits that since the FIR is an outcome of an accident case and the parties have arrived at a settlement, the State has no objection in case the FIR in question is quashed.
3. The petitioner, who has joined through VC, as well as, respondent no. 2/complainant, who is present in court, have been identified by their respective counsel, as well as, and by the Investigating Officer SI Mohit Kumar, PS. CR Park.
4. The brief facts of the case are that the son of the respondent no.2 was



working as an AC Mechanic and he had gone to repair the AC in the premises of the employers of the present petitioner where while repairing the AC he fell from the fourth floor and died. This led to the registration of present FIR.

5. During the pendency of the proceedings, the respondent no.2 and employers of petitioner arrived at a settlement before the learned Trial Court where the terms of the settlement were recorded in their respective statements. The statements are on record.

6. A perusal of the said statement shows that the parties have settled at full and final settlement amount of Rs. 7 lacs. Out of the said amount, a sum of Rs.2 lacs has already been paid by the employers of petitioner to the respondent no.2 in the manner as agreed in the settlement. The remaining amount of Rs. 5 lacs has been paid to the respondent no.2 through online transfer.

7. On a query posed by the Court, the respondent no.2 affirms the factum of settlement and acknowledges having received the entire settlement amount of Rs. 7 lacs.

8. The respondent no.2, on a query put by the Court, states that he has no objection in case the FIR is quashed.

9. At this stage, apt would it be to refer to the observations of the Supreme Court in ***Gian Singh v. State of Punjab, (2012) 10 SCC 303: (SCC p. 340, para 58)***

“58. Where the High Court quashes a criminal proceeding having regard to the fact that the dispute between the offender and the victim has been settled although the offences are not compoundable, it does so as in its opinion, continuation of criminal proceedings will be an exercise in futility and justice in



the case demands that the dispute between the parties is put to an end and peace is restored; securing the ends of justice being the ultimate guiding factor.”

10. In view of the settlement between the parties, the ultimate chances of conviction in the case are bleak, therefore, continuation of criminal proceedings will not serve any useful purpose and it will be an exercise in futility.
11. It is, thus, in the interest of justice that the present FIR and all the other proceedings emanating therefrom be quashed.
12. Consequently, the petition is allowed and the FIR No.235/2016 under Section 304A IPC registered at Police Station C.R.Park alongwith all other proceedings emanating therefrom, is quashed *qua* the present petitioner.
13. The petition stands disposed of in the above terms.
14. Order be uploaded on the website of this Court.

VIKAS MAHAJAN, J

DECEMBER 13, 2024/dss