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

+ **CRL.M.C. 853/2023**

RAM CHANDER MALHOTRAPetitioner

Through: Mr. Subrat Deb and Mr. Anshul
Gupta, Advocates alongwith
petitioner in person.

versus

THE STATE & ANR.Respondents

Through: Mr. Hitesh Vali, APP for the State.
SI Rajender Singh and SI Ashish, PS
Janak Puri.
R-2 in person.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

06.02.2025

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1. This hearing has been done through hybrid mode.
2. The matter was listed for 05.02.2025, however, due to Delhi Legislative Assembly Elections, 2025 the same is taken up for hearing on 06.02.2025.
3. The present petition under Section 482 of the Cr.P.C. has been filed seeking the following prayers: -

“(i) quash the F.I.R. bearing No. 330/19, U/S 288/337 IPC, (Charge Sheet U/S 288/304-A/34) Police Station Janak Puri, Delhi and consequential proceedings thereof pending before the Ld. MM, Dwarks Courts, New Delhi, qua the petitioner, in the interest of justice;

(ii) Pass such other or further order/orders which this Hon'ble Court may deem fit and proper in the facts and circumstance of the case.”



4. The case of the prosecution is that, as per GD entry No. 0061A dated 31.08.2019 at around 04:00 PM, an information was received at PS Janak Puri wherein, it was informed that one person has been struck inside a shaft (*Ek admi saft ke Ander fas gaya Hai*). In pursuance of the said information, ASI Rajender Singh, was sent to the spot, where the said incident was stated to have been reported. On reaching there, it was found that at the back side of the 3rd floor of the said building, one labourer was cutting the wall to install air conditioner (AC) while standing on an iron net platform and inside the flat, work of fixing tiles was underway. It was further found that the said labourer while working on the said iron platform fell down on the ground from the said iron net platform and was struck inside the same. Due to the said fall, he sustained several injuries and the said boy was then taken to DDU Hospital by Fire vehicle. Subsequently, MLC No. 8097/2019 of the said labourer was collected by the ASI from the hospital. Investigation of the case was conducted and, thereafter, chargesheet was filed for the offences punishable under Sections 288/338 of the IPC before the Court of competent jurisdiction.
5. Subsequently, on 19.01.2020, brother of the said labourer/deceased had informed that his brother who was undergoing treatment at LNJP Hospital was declared dead by the concerned doctor during his treatment. This was confirmed by HC Krishan Ram over a call from LNJP Hospital and Sections 304A/34 of the IPC were added in the present case *vide* the supplementary chargesheet dated 07.03.2020.
6. Learned counsel for the petitioner has submitted that the deceased was installing the AC in the house of the petitioner/landlord, while the incident in the present case had occurred. It is submitted that the incident was accidental in nature. It is further submitted that the petitioner is a law-abiding citizen



with clean antecedents and with the intervention of the elders and well-wishers, the matter has been amicably settled between the petitioner and respondent No. 2 (mother of the deceased) *vide* a Settlement/Compromise Deed dated 30.11.2022 (Annexure P-4).

7. *Per contra*, learned APP for the State has submitted that the offences alleged against the present petitioner are serious in nature. He has further submitted that the accident in the present case had occurred on account of the negligence of the petitioner in getting the installation of the ACs.

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

9. It is settled principle of law that in cases of non-compoundable offences where the parties have arrived at a settlement, the High Court has inherent power to quash a criminal proceeding in exercise of powers under Section 482 of the CrPC as well as Article 226 of the Constitution of India. Time and again, it has been reiterated that the inherent powers of the High Court are of a wide plenitude, but in exercise of such powers, the guiding factor has to be – (i) to secure the ends of justice, or (ii) to prevent the abuse of process of any Court. It is also well settled that before proceeding to quash an FIR, the High Court must duly consider the nature and gravity of an offence.

10. To bring the present case within the definition of ‘gross negligence’ there must be wanton disregard to the consequences of an act or omission on part of the petitioner which resulted in the accident. Perusal of the supplementary chargesheet dated 07.03.2020 shows that the present petitioner as well as the contractor, Rajeev Girdhar @ Rajan, were arrayed as an accused after the investigation was completed. The facts of the present case reveal that the incident in the present case was purely accidental in nature. The petitioner who was the owner of the premises had engaged the contractor Rajeev Girdhar



@ Rajan, the deceased was working under instructions of the said contractor. The said contractor has now passed away.

11. Be that as it may, respondent No. 2 has entered into a settlement with the petitioner *vide* a Settlement/Compromise Deed dated 30.11.2022 (Annexure P-4). In pursuance of the said settlement, the petitioner has agreed to pay a sum of Rs. 2,20,000/- as compensation to respondent No. 2 as full and final settlement. However, today the petitioner has agreed to enhance the amount to Rs. 3,20,000/-.

12. As per the said settlement, a sum of Rs. 1,00,000/- has already been paid to the respondent No. 2 and remaining amount of Rs. 2,20,000/- has been paid to them in Court today, by way of a Demand Draft bearing No. 501221.

13. Today, a copy of the Demand Draft bearing No. 501221 dated 06.02.2025 drawn on ICICI Bank, Defence Colony, New Delhi for a sum of Rs. 2,20,000/- has been handed over to respondent No. 2 who acknowledges the receipt of the same.

14. In view of the aforesaid circumstances, and the fact that the parties have put a quietus to the unfortunate episode, no useful purpose will be served in continuing with the present FIR No. 330/2019, under Sections 288/338 of the IPC registered at PS Janak Puri, Delhi and all other consequential proceedings emanating therefrom including the chargesheet pending in the Court of Sh. Harjot Singh Aujla, learned JMFC-11, Dwarka Courts, South-West District, Delhi.

15. In totality of facts and circumstance of the case and in the interests of justice, FIR No. 330/2019, under Sections 288/338 of the IPC registered at PS Janak Puri, Delhi and all other consequential proceedings emanating therefrom including the chargesheet pending in the Court of Sh. Harjot Singh



Aujla, learned JMFC-11, Dwarka Courts, South-West District, Delhi. are hereby quashed.

16. The present petition is allowed and disposed of accordingly.
17. Pending application(s), if any, also stand disposed of.
18. Copy of the order be sent to the concerned learned Trial Court for necessary information and compliance.
19. Order be uploaded on the website of this Court *forthwith*.

AMIT SHARMA, J

FEBRUARY 06, 2025/

Click here to check corrigendum, if any