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

+ **CRL.M.C. 759/2025 & CRL.M.A. 3607/2025**

SITESH MANDAL

.....Petitioner

Through: Mr. Sumit Ahuja, Adv. along with
petitioner in person

versus

**STATE THOURGH S HO PS AMAR COLONY DELHI AND ORS
& ANR.**

.....Respondents

Through: Mr. Raghuinder Verma, APP for State
with Mr. Aditya Vikram Singh, Adv. with SI
Santosh Kumar, PS Amar Colony
Respondents no. 2 to 9 in person

CORAM:

HON'BLE MR. JUSTICE AJAY DIGPAUL

ORDER

19.11.2025

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1. The instant petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter "BNSS") [earlier Section 482 of the Code of Criminal Procedure, 1973 (hereinafter "CrPC")] has been filed by the petitioner praying for quashing of FIR no. 273/2020 registered at Police Station Amar Colony for the offences punishable under Sections 288/304A of the Indian Penal Code, 1860 (hereinafter "IPC").

2. According to the FIR, the complainant Munesh stated that on 15.07.2020, he and his two nephews, including the deceased Dinesh Kumar, were carrying out labour work, where basement digging was in progress. The site supervisor allegedly instructed them to hurry the work and



connected exposed electric wires to a hammer/”Hilt” machine. When Dinesh tried to start the machine, he received a severe electric shock, lost consciousness, and later died. The FIR alleges that the death occurred due to negligent handling of unsafe electrical wiring and unsafe working conditions at the construction site. During investigation, it was found that the petitioner, Sitesh Mandal, was the contractor responsible for the construction work, and therefore a chargesheet was filed against him for offences under Sections 288/304A IPC

3. Learned counsel appearing on behalf of the petitioner submitted that the petitioner and respondents no. 2 to 9 have settled their disputes amicably and are now moving forward towards a peaceful and harmonious future.

4. Memorandum of Understanding dated 10.01.2025 (hereinafter “MOU”) is on record and has been annexed as Annexure-P-5. *Qua* this MOU, respondents no. 2 to 9 have agreed to withdraw the case arising out of the instant FIR registered against the petitioner.

5. At this juncture, respondents no. 2 to 9 submitted that they have no objection if the present FIR may be quashed on the basis of the aforesaid MOU.

6. It is thus prayed by the learned counsel appearing on behalf of the parties that the instant FIR may be quashed on the basis of MOU.

7. Learned APP for the State submits that there is no opposition to the prayer made by the petitioner seeking quashing of the FIR in question in view of the settlement arrived at between the parties. During the course of proceedings, learned APP has handed over a status report, which is taken on record.

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



9. The petitioner is present before this Court and has been identified by his counsel and Investigating Officer, Police Station Amar Colony. Respondents no. 2 to 9 are also present in the Court and have been identified by the Investigating Officer.

10. On a query made by this Court, respondents no. 2 to 9 have categorically stated that they have entered into compromise on their own free will and without any pressure. It is also stated by them that the entire dispute has been amicably settled between the parties and they have received the entire settlement amount. They further submit that they do not want to pursue the instant matter any further as they are now moving towards peaceful future and thus, pray for quashing of the FIR.

11. Keeping in view the fact that the matter stands amicably been settled between the petitioner and respondents no. 2 to 9, amicably, and without any pressure, no fruitful purpose would be served by keeping the matter pending.

12. Hence, in light of the judgment of the Hon'ble Supreme Court passed in ***Gian Singh vs. State of Punjab* (2012) 10 SCC 303**, FIR no. 273/2020 registered at Police Station Amar Colony for the offences punishable under Sections 288/304A of the IPC, and consequent proceedings emanating therefrom, are quashed *qua* the present petitioner.

13. The petition alongwith pending application(s), if any, stands disposed of.

AJAY DIGPAUL, J

NOVEMBER 19, 2025
gs/ryp