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

+ **W.P.(CRL) 871/2023**

M/S ALFA THERM SYNERGY AS KRISHNA JVPetitioner

Through: **Mr. Saumitra Singhal and Mr. Vikas
Bassoya, Advocates.**

versus

STATE NCT OF DELHI ORS & ORS.Respondents

Through: **Mr. Sunil Kumar Gautam, ASC with
Mr. Anand V. Khatri, Advocate for
State.
Mr. Naresh Kumar, SI, PS-Bh. Dairy.**

**CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA**

**ORDER
03.02.2025**

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1. The Petitioner, through the instant writ petition, under Article 226 of the Constitution of India, 1950 read with Section 482 of the Code of Criminal Procedure, 1973¹ seeks quashing of FIR bearing no. 0078/2022 registered at Police Station Bhalaswa Dairy for offence punishable under Sections 287/304A of Indian Penal Code, 1860².

2. The FIR relates to one Md. Manjoor Ali, who was employed by the Petitioner and unfortunately lost his life in an accident while operating a machine at the MCD Garbage Plant during the course of his employment. Proceedings were also initiated against the Petitioner before the

¹ "CrPC"

² "IPC"



Commissioner, under the Employees' Compensation Act, 1923, seeking compensation for the death. During the course of the said proceedings, the Petitioner and Respondent No. 2 and 7 reached a settlement on 20th December, 2022, by executing a Memorandum of Understanding³. A copy of the same has been placed on record. Pursuant to the settlement, the Petitioner deposited an amount of ₹15,50,000/- as compensation in the name of the Commissioner, Employees' Compensation, and additionally paid ₹50,000/- in cash to Respondents No. 2 to 7. The proceedings under the Employees' Compensation Act, 1923, have since been concluded, and by order dated 17th February, 2023, the Commissioner disbursed the settlement amount of ₹15,50,000/- in favour of Respondents No. 2 to 7, along with appropriate directions to the bank.

3. On 26th September, 2024 the court noted the following submission of the counsel for the Petitioner:

"2. Learned counsel for the petitioner states that though a settlement has been arrived at between the parties, pursuant to which Rs.16 lacs have been paid to the respondents, the petitioner would consider enhancement of the quantum of the said compensation as well as proposes to employ respondent No.2 at their office premises. Mr. Mritunjay Kumar Singh, Advocate, who is present in Court is requested to assist and guide respondent No.2 in the aforesaid process."

4. Subsequently, on 27th January, 2025, the court passed the following order:

"1. Mr. Mritunjay Kr. Singh, Advocate, states that he has interacted with Respondent No. 2, the wife of the deceased, who has informed him that she has now married the younger brother of the deceased and also has a sixmonth- old child from this union. In such circumstances, Respondent No. 2 is not in a position to be employed with the Petitioner. Further, the Court is apprised that the brother of the deceased is already in employment with the Petitioner. There is another Class-I legal heir, the mother of the

³ "MoU"



deceased, who is an aged person and is also not in a position to work.

2. In such circumstances, the Court has asked the Petitioner whether they are willing to pay an enhanced compensation to family of the deceased. The Authorised Representative of the Petitioner company, who is present in court, has expressed his consent to pay the enhanced compensation.

3. At this juncture, Mr. Omkar Sharma, counsel for Respondent No. 2, submits that he has been recently engaged in the matter and has just filed his vakalatnama. Accordingly, he seeks a short accommodation to take instructions from Respondent No. 2

4. At his request, renotify on 3rd February, 2025.”

5. Today, the authorised representative of the Petitioner has agreed to pay additional compensation of 4,00,000/- to the family of the deceased.

6. In view of the settlement and the enhanced compensation, Respondent No. 2 (widow of the deceased) and 7 (mother of the deceased) have expressed their unequivocal intent not to pursue the FIR proceedings against the Petitioners. Respondent No. 3-6 are minor children of the deceased appearing through their mother- Respondent No.2.

7. The Supreme Court in **Gian Singh v. State of Punjab & Anr.**⁴ has clarified that even non-compoundable offences can be quashed on the basis of a settlement between the parties if the circumstances so warrant. The relevant portion of the judgment states:

“11. As discussed above, offence punishable under Section 186/332/353 of the IPC are non compoundable being of serious nature, however, if the Court feels that continuation of criminal proceedings will be an exercise in futility and justice in this case demands that the dispute between the parties is put to an end and peace is restored, it can order for quashing of the FIR or criminal proceedings as it is the duty of the Court to prevent continuation of unnecessary judicial process.

12. In view of the law discussed above, considering the Settlement arrived at between the parties and the statements of respondent no.1 & 2, I am of the considered opinion that this matter deserves to be given a quietus as continuance of proceedings arising out of the FIR in question would be an an exercise in futility.”

⁴ (2012) 10 SCC 303



8. Further, in *Narinder Singh & Ors. v. State of Punjab & Anr.*,⁵ the Supreme Court held as follows:

“29. In view of the aforesaid discussion, we sum up and lay down the following principles by which the High Court would be guided in giving adequate treatment to the settlement between the parties and exercising its power under Section 482 of the Code while accepting the settlement and quashing the proceedings or refusing to accept the settlement with direction to continue with the criminal proceedings:

29.1. Power conferred under Section 482 of the Code is to be distinguished from the power which lies in the Court to compound the offences under Section 320 of the Code. No doubt, under Section 482 of the Code, the High Court has inherent power to quash the criminal proceedings even in those cases which are not compoundable, where the parties have settled the matter between themselves. However, this power is to be exercised sparingly and with caution.

29.2. When the parties have reached the settlement and on that basis petition for quashing the criminal proceedings is filed, the guiding factor in such cases would be to secure:

(i) ends of justice, or

(ii) to prevent abuse of the process of any court.

While exercising the power the High Court is to form an opinion on either of the aforesaid two objectives.”

[Emphasis Supplied]

9. Applying the principles laid down in the above decisions, this Court notes that while the offence under Sections 287/304A of the IPC are non-compoundable, the inherent power under Section 482 CrPC permits this Court to quash criminal proceedings in cases where an amicable settlement has been reached.

10. The parties present before the Court have been duly identified by the Investigating Officer, as well as their respective counsel. Respondent No. 2 confirms the MoU and states that the parties have amicably resolved their dispute. She, along with the mother of the deceased (Respondent No. 7),



acknowledges receipt of INR 16,00,000/- from the Petitioner in terms of the settlement. Under the disbursal order dated 17th February, 2024, a portion of the settlement amount has been apportioned for the welfare of the minor children of the deceased.

11. In furtherance of the agreed settlement, a cheque for INR 2,00,000/-, drawn in the name of Babita (mother of the deceased), and another cheque for INR 2,00,000/-, drawn in the name of Hushnara Khatoon (widow of the deceased), have been handed over to Respondent No. 2. The copies of the cheques are taken on record.

12. It is directed that out of the from the afore-noted amount of INR 2,00,000/- received by Hushnara Khatoon, an amount of INR 50,000/- shall be placed in a fixed deposit in the name of each of the four minor children of the deceased, in a nationalised bank, to be renewed periodically. The said deposits shall remain encumbered until the respective child attains the age of 18 years. However, to ensure that the funds serve their intended purpose, premature withdrawal of the fixed deposit(s) shall be permitted only for the education or medical needs of the child, subject to prior approval of the concerned Trial Court in the subject FIR. The maturity proceeds shall be utilised exclusively for the welfare and higher education of the children. Proof of the creation of the fixed deposit(s) shall be filed before the concerned Trial Court within four weeks from today.

13. While it is true that offences under Sections 287/304 of IPC are not offences *in personam*, meaning they affect society at large and not just the individual complainant, the Court must also take into account the practical realities of securing a conviction in the present case. The Supreme Court has

⁵ (2014) 6 SCC 466



consistently held that where the chances of conviction are remote due to an amicable settlement between the parties, the Court should consider whether continuing the prosecution would serve any meaningful purpose. Since the Respondents have entered into a voluntary and genuine settlement, and is unwilling to pursue the case, the likelihood of conviction diminishes significantly. Thus, considering the totality of circumstances, the Court is of the view that allowing the prosecution to continue would serve no useful purpose. It would not only be a waste of judicial time but would lead to an unnecessary burden on the State Exchequer. In light of the settled legal position, the present case is fit for quashing under Section 482 of CrPC.

14. In view of the settlement and the aforementioned enhancement, the Respondent No. 2 and 7 have expressed their unequivocal intent not to pursue the FIR proceedings against the Petitioner.

15. In view of the foregoing, the present petition is allowed and FIR no. 0078/2022 registered at Police Station Bhalaswa Dairy for offences punishable under Sections 287/304A of IPC and all the proceedings emanating therefrom are quashed.

16. It is expected that the parties shall abide by the terms of settlement.

17. Accordingly, the petition is disposed of.

18. Pending applications, if any, are disposed of as infructuous.

SANJEEV NARULA, J

FEBRUARY 3, 2025

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