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

+ **W.P.(CRL) 1131/2025**

RAJ KUMAR & ANR.

.....Petitioners

Through: Mr. Rohit, Ms. Ruchi, Mr. Saurabh
Yadav & Mr. Abhishek Wadhwa,
Adv.

versus

GOVT OF NCT OF DELHI & ORS.

.....Respondents

Through: Ms. Rupali Bandhopadhy, ASC
(Crl.) for State with Mr. Abhijeet
Kumar, Adv.
SI Mohd. Kafeel, P.S. F.P. Beri & SI
Nitesh Yadav, P.S. K.M. Pur.
Mr. Anshul Chowdhary, Adv. for R-2
to 5.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

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15.05.2025

1. This hearing has been done through hybrid mode.

CRL.M.A. 10810/2025-EXMP

2. Exemption allowed, subject to all just exceptions. The application stands disposed of accordingly.

W.P.(CRL) 1131/2025

3. The present petition under Article 226 of the Constitution of India read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, has been files seeking quashing of FIR No. 151/2023, under Sections 288/304A/34 of the Indian Penal Code, 1860, (for short, 'IPC'), registered at PS K.M. Pur and



all other consequential proceedings emanating therefrom including the chargesheet pending in the Court of Ms. Chhavi Bansal, learned JMFC-11, Saket Courts, South-East District, Delhi.

4. The case of the prosecution is that on 07.05.2023 at around 11:02 AM, *vide* GD No. 15A, an information was received at PS K.M. Pur from HC Anil, who was on emergency duty at AIIMS Trauma Centre, that the relative of the injured (deceased) has got medical of the deceased conducted *vide* MLC No. 500372197/23 and he has been declared brought dead by the doctor. Thereafter, SI Manmohan collected the MLC of the deceased wherein the history of the incident was recorded as, “Alleged H/o Fall of Heavy object over the patient at Arjun Nagar today at 10 AM and was brought to JPNATC by attenders in private vehicle on arrival Pulse not palpable and CPR started as per ACLS protocol along with Inj ADR 1 MG every 4 minutes. After all possible resuscitation patient was declared brought dead at 10:26 AM”. Then, SI along with other officials went to the spot of the incident, however, no witness of the incident was found. Crime team was called to the spot for collection of evidence and photographs of the spot were taken. On enquiry, it was revealed that at the spot of the incident, construction was carried on by contractor, Premprakash @ Raju, Petitioner No.2, and Raj Kumar, Petitioner No.1, was the owner of the said building.

5. On inspection by SI, it was found that the owner of the building and the contractor have not taken any safety precautions and thus, *rukka* was sent for registration of FIR under Sections 288/304A/34 of the IPC. During investigation, the petitioners were interrogated and the whereabouts of the deceased were enquired. It was revealed that the deceased had a wife, respondent No.2, and three daughters, respondent Nos. 3 to 5. Their



statements under Section 161 of the CrPC were recorded and at the instance of respondent No.2 map of the spot was prepared. Post mortem of the deceased was also conducted. On completion of investigation, chargesheet for the offences punishable under Sections 288/304A/34 of the IPC was filed before the Court of competent jurisdiction. Hence, the present petition has been filed seeking quashing of the FIR along with pending chargesheet.

6. Learned counsel for the petitioners submits that the deceased was merely a passerby and had met with the accident on account of a brick being fallen on his head at the ongoing construction site. It is submitted that the present incident was accidental in nature. It is further submitted that the petitioners are law-abiding citizens with clean antecedents, the matter has been amicably settled between the petitioners and the legal heirs of the deceased, respondent No. 2 (wife of the deceased), respondent Nos. 3 to 5 vide a MoU/Compromise Deed dated 13.05.2023 and a copy of the said MoU has been placed on record as Annexure P-3. Learned counsel for the petitioners has pointed out that, as per the said settlement, a sum of Rs. 30,00,000/- has already been paid to the respondent Nos. 2 to 5 and remaining amount of Rs. 5,00,000/- has been paid to them today itself.

7. *Per contra*, learned ASC (Crl.) for the State has submitted that the offences alleged against the present petitioner are serious in nature. He has further submitted that during the investigation it was revealed that the petitioners had not taken any safety precautions at the construction site and neither there was any signboard of ongoing construction in order to stop the passersby.

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 chargesheet would reflect that the petitioners were arrayed as accused persons in the present FIR in their capacity as owner of the building and contractor carrying on construction at the site respectively. The deceased had met with the accident on account of a brick falling on his head at the ongoing construction site. Even as per the case of the prosecution, the deceased was passing by the construction site. The facts of the present case reveal that the incident was purely accidental in nature. It is further pertinent to note as per the prosecution case, respondent no. 2 (wife of the deceased) is the eyewitness.

11. Be that as it may, respondent Nos. 2 to 5 have entered into a settlement with the petitioners *vide* a MoU/Compromise Deed dated 13.05.2023 (Annexure P-3). In pursuance of the said settlement, the petitioners have agreed to pay a sum of Rs.35,00,000/- as compensation to respondent Nos. 2 to 5 as full and final settlement.

12. As per the said settlement, a sum of Rs.30,00,000/- has already been paid to the respondent Nos. 2 to 5 and remaining amount of Rs.5,00,000/- has



been paid to them. Today, a transaction receipt has been handed over by the learned counsel for the petitioners showing that remaining of Rs.5,00,000/- has been paid to the respondent Nos. 2 to 5. The said receipt has been taken on record.

13. Petitioners and respondent Nos. 2 to 4 have appeared in person today in Court and respondent No. 5 appears through video conferencing and have been identified by their respective counsels as well as Investigating Officers SI Mohd. Kafeel, P.S. F.P. Beri and SI Nitesh Yadav, P.S. K.M. Pur.

14. Respondent No.2, wife of the deceased, submits that all the terms of the aforesaid settlement have been complied with and she and her daughters have received the entire sum of compensation as agreed to in the aforesaid MoU. She further states that she has entered into settlement out of her own free will and without any force, undue influence or coercion from any person.

15. 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. 151/2023, under Sections 288/304A/34 of the IPC, registered at PS K.M. Pur and all other consequential proceedings emanating therefrom including the chargesheet pending in the Court of Ms. Chhavi Bansal, learned JMFC-11, Saket Courts, South-East District, Delhi.

16. In totality of facts and circumstance of the case and in the interests of justice, FIR No. 151/2023, under Sections 288/304A/34 of the IPC, registered at PS K.M. Pur and all other consequential proceedings emanating therefrom including the chargesheet pending in the Court of Ms. Chhavi Bansal, learned JMFC-11, Saket Courts, South-East District, Delhi, are hereby quashed.

17. The present petition is allowed and disposed of accordingly.

18. Pending application(s), if any, also stand disposed of.



19. Copy of the order be sent to the concerned learned Trial Court for necessary information and compliance.
20. Order be uploaded on the website of this Court *forthwith*.

AMIT SHARMA, J

MAY 15, 2025/nk/ns

[Click here to check corrigendum, if any](#)