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

+ **CRL.M.C. 4905/2023**

RAKESH AND ANR.

.....Petitioners

Through: Mr. R.N. Sharma, Advocate along
with Petitioners in person.

versus

STATE (NCT OF GOVT OF DELHI AND ORS.....Respondents

Through: Mr. Ajay Vikram Singh, APP for the
State with SI Vinod Kumar, P.S.
Palam Village.
Mr. Rahul Sharma, Mr. Pranav Dixit,
Mr. Himanshu Solanki and Mr.
Shalabh Bhardwaj, Advocates for R-2
along with R-2 in person.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

23.04.2025

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1. This hearing has been done through hybrid mode.
2. The present petition filed under Section 482 of the Cr.P.C. seeks quashing of FIR No. 332/2018, under Section 304A/34 of the IPC, registered at P.S. Palam Village and all other consequential proceedings emanating therefrom, including the chargesheet pending before the Court of Sh. Saurabh Goyal, learned Judicial Magistrate, First Class-01, Dwarka Courts, Delhi.
3. The case of the prosecution is that on 17.09.2019, Sub Inspector Manish had received DD No. 7A and proceeded to reach the spot accompanied with Head Constable Rajesh. After reaching the spot, they found



a deceased person lying in front of House No. WZ-764, Gali No. 3, Palam Village, (hereinafter referred to as, 'subject premises') after which a crime team was summoned to the spot for inspection. Upon inquiry, it was revealed that the deceased person was one Triloki, who was working as a labourer during the day time at the subject premises and used to sleep in the night there, the said house was under construction at the time of the incident. Thereafter, the deceased was sent to DDU Hospital Mortuary for examination after which he was examined *vide* MLC No. 9022/2018. In the said MLC, it is stated that the patient was declared as brought dead. Thereafter, the site was inspected after which a site plan was prepared and statements of witnesses were recorded. In the circumstances and as per the MLC, a *tehrir* was sent for the registration of the FIR, after which the case FIR was registered for the offence under Section 304A of the IPC.

4. Subsequently, investigation in the present case stood complete and chargesheet was filed *qua* the present petitioners on 22.09.2020 for the offences punishable under Sections 304A/34 of the IPC before the Court of competent jurisdiction. It is stated that the matter is now pending before the concerned Court of competent jurisdiction for framing of charges.

5. Learned counsel appearing on behalf of the petitioners submits that during the pendency of the proceedings, the matter has been settled by the petitioners with the legal heirs of the deceased *vide* compromise deed dated 30.04.2023 for an amount of Rs. 3,50,000/- It is further submitted that out the said amount, a sum of Rs. 2,50,000/- has already been paid and Rs. 1,00,000/- is to be paid today before the Court. The petitioners have also agreed to pay an additional amount of Rs. 50,000/- to the respondent no. 2/ wife of the deceased.



6. It is further submitted that since 2019, the petitioners have been paying an amount of Rs. 5,000/- every month till today, in addition to the aforesaid amount on humanitarian grounds.

7. The petitioners and respondent No. 2/wife of the deceased are present in Court today and have been duly identified by their respective counsel as well as the Investigating Officer, Sub Inspector Vinod Kumar, P.S. Palam Village.

8. Respondent No. 2 submits that the matter has since been settled with the petitioners and submits that all the terms of the agreement have been complied with and she has no objection if the present FIR is quashed along with all other consequential proceedings.

9. On a pointed query from the Court, respondent no. 2/wife of the deceased confirms that she has been receiving an additional sum of Rs. 5,000/- every month. She further submits that all the three daughters are now married.

10. *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 negligence of the petitioners in failing to get proper railings and lights affixed in the subject premises which became a cause for the deceased to fall from a height.

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

12. 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.

13. 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. The facts of the present case reveal that the deceased, who worked as a labourer at the subject premises and slept there at night, died as a result of injuries he had sustained after falling from the roof of the subject premises and that the incident was purely accidental in nature.

14. Be that as it may, respondent No. 2/wife of the deceased has entered into a settlement with the petitioner *vide* a Compromise Deed dated 30.04.2023 (Annexure P-7). In pursuance of the said settlement, the petitioner has agreed to pay a total sum of Rs. 3,50,000/- as compensation to respondent No. 2 as full and final settlement out of which a sum of Rs. 2,50,000/- has already been paid to respondent no. 2 by the petitioners.

15. A demand draft bearing no. 016471 dated 22.04.2025 for a sum of Rs. 1,00,000/- drawn on Axis Bank, Sector-7, Dwarka, New Delhi, and an additional amount of Rs. 50,000/- by way of cash have been handed over to respondent no. 2 today in Court, who acknowledges the receipt of the same.

16. 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. 332/2018, under Sections 304A/34 of the IPC, registered at P.S. Palam Village and all other consequential proceedings emanating therefrom, including the chargesheet pending before the Court of



Sh. Saurabh Goyal, learned Judicial Magistrate, First Class-01, Dwarka Courts, Delhi.

17. In the interest of justice, the petition is allowed, and the FIR No. 332/2018, under Sections 304A/34 of the IPC, registered at P.S. Palam Village and all other consequential proceedings emanating therefrom, including the chargesheet pending before the Court of Sh. Saurabh Goyal, learned Judicial Magistrate, First Class-01, Dwarka Courts, Delhi, is hereby quashed.

18. Petition is allowed and disposed of accordingly.

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

20. Copy of the order be sent to the concerned learned Trial Court for necessary information and compliance.

21. Order be uploaded on the website of this Court forthwith.

AMIT SHARMA, J

APRIL 23, 2025/bsr/sc

Click here to check corrigendum, if any