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

+ **CRL.M.C. 4033/2024**

**BHOLA SHANKAR PATEL**

.....Petitioner

Through: Mr. Pranjal Marwah, Mr. Vikas  
Chhabra and Mr. Kartik Mittal, Advs.

versus

**STATE GOVT. OF NCT OF DELHI & ORS.** .....Respondents

Through: Mr. Aman Usman, APP for State with  
SI Shri Bhagwan, PS. KM Pur and SI  
Mohd. Kafil (I.O), PS. Fatehpur Beri.

**CORAM:**

**HON'BLE MR. JUSTICE VIKAS MAHAJAN**

**ORDER**

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**16.01.2025**

1. The present petition has been filed under Section 482 CrPC seeking quashing of FIR No.281/2023 under Sections 288/304A IPC registered at Police Station Kotla Mubarak Pur and all consequential proceedings emanating therefrom on the ground that the parties have arrived at a settlement.
2. Notice was issued in the present petition on 17.05.2024.
3. The learned APP submits that since the FIR is an outcome of an accident and the parties have arrived at a settlement, the State has no objection in case the FIR in question is quashed.
4. The petitioner is present in the Court, whereas the respondent nos. 2 to 4, who are LRs of deceased, have joined through VC and they have been identified by their respective counsel, as well as, by the Investigating Officer



SI Shri Bhagwan, PS. Kotla Mubarak Pur and SI Mohd. Kafil (I.O), PS. Fatehpur Beri.

5. The brief facts of the case are that the deceased was working for the petitioner and accidentally fell from 8<sup>th</sup> floor of the building, which was under construction, to the 6<sup>th</sup> floor, on account of which he suffered serious injuries and eventually passed away. This led to the registration of present FIR.

6. During the pendency of the proceedings, the parties have arrived at a settlement, terms whereof were reduced in writing in the form of Settlement, which is annexed as Annexure P-5 to the present petition.

7. The learned counsel for the petitioner submits that though, in the settlement it was agreed to pay compensation of Rs. 6 lacs, however, the petitioner has paid a total sum of Rs. 8.50 lacs.

8. The receipt of entire amount of Rs.8.50 lacs is acknowledged by the respondent nos.2 to 4, who have joined through VC.

9. The respondent nos.2 to 4, on a query posed by the Court, affirm the factum of settlement and state that they have no objection in case the FIR is quashed.

10. At this stage, apt would it be to refer to the observations of the Supreme Court in ***Gian Singh v. State of Punjab, (2012) 10 SCC 303: (SCC p. 340, para 58)***

*“58. Where the High Court quashes a criminal proceeding having regard to the fact that the dispute between the offender and the victim has been settled although the offences are not compoundable, it does so as in its opinion, continuation of criminal proceedings will be an exercise in futility and justice in the case demands that the dispute between the parties is put to an end and*



*peace is restored; securing the ends of justice being the ultimate guiding factor.”*

11. In view of the settlement between the parties, the ultimate chances of conviction in the case are bleak, therefore, continuation of criminal proceedings will not serve any useful purpose and it will be an exercise in futility.
12. It is, thus, in the interest of justice that the present FIR and all the other proceedings emanating therefrom be quashed.
13. Consequently, the petition is allowed and the FIR No.281/2023 under Sections 288/304A IPC registered at Police Station Kotla Mubarak Pur alongwith all other proceedings emanating therefrom, is quashed.
14. The petition stands disposed of in the above terms.
15. Order be uploaded on the website of this Court.

**VIKAS MAHAJAN, J**

**JANUARY 16, 2025/dss**