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

+ **CRL.M.C. 6337/2023**

LAXMAN DASS @ LAXMAN DASS GUPTAPetitioner

Through: Mr. Sanjay Garg, Adv. with petitioner
in person.

versus

THE STATE & ORS.Respondents

Through: Ms. Shubhi Gupta, APP for the State.
Respondents No. 2 and 3 in person.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

06.02.2025

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1. This hearing has been done through hybrid mode.
2. The matter was listed for 05.02.2025, however, owing to the Delhi Legislative Assembly Elections, 2025, the same is taken up for hearing on 06.02.2025.
3. The present petition has been filed under Section 482 of Cr.P.C. seeking the following prayers:-

- (a) quash the FIR No. 520/20 under sections 288/ 304A IPC registered at Police Station Mukherjee Nagar, Delhi; and/ or
- (b) grant any other or further relief(s) which this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.

4. In the present case, the FIR was registered at the instance of complainant/respondent no. 2 (wife of the deceased) on 18.10.2020 at P.S. Mukherjee Nagar for the offences under Sections 288/304A of the IPC. On



18.10.2020 *vide* DD no 42A., information was received from the Trauma Centre, Civil Lines on which Head Constable Surender along with PSI Pradeep reached at the Lok Nayak Hospital, New Delhi and collected the MLC Report No. 10177/2020 of the deceased Ramesh. It is stated that the incident had occurred on 18.10.2020, wherein the wall fell on the deceased, subsequently causing an injury on his head, after which he was declared dead upon arriving at the Hospital. After the completion of the investigation, chargesheet was filed on 24.07.2021 under Sections 288/304A of the IPC against the petitioner.

5. Learned counsel appearing on behalf of the petitioner submits that the deceased and respondent No. 2/complainant were working as masons at petitioner's house to dismantle the latter's bathroom and it is due to the negligence of the deceased who had started to dismantle another wall without any permission, the said wall fell on the deceased, as a result of which he died, therefore, it is submitted that the incident was accidental in nature.

6. Learned counsel has further submitted that the petitioner is a law-abiding citizen with clean antecedents and with the intervention of respectable persons of the society, respondent Nos. 2 and 3, out of their free will and consent, have amicably settled the matter *vide* Settlement Deed dated 08.08.2023 (Annexure P-2) with the petitioner as they are residing in the same locality. It is further pointed out that as per the said Settlement Deed, a sum of Rs. 4,25,000/- was initially paid as a compensation to the respondents, with the remainder 75,000/- to be paid at the time of quashing of the impugned FIR. It is noted that *vide* order dated 17.12.2024, Learned Predecessor Bench of this Court had asked the counsel for the petitioner to seek instructions from the petitioner regarding the payment of an additional sum of Rs. 5,00,000/-



over and above the initial compensation of Rs. 5,00,000/-.

7. Today, respondents No. 2 and 3 have appeared before this Court and have stated that the compensation in the tune of Rs. 10,00,000/- has been paid by the petitioner to respondent Nos. 2 and 3 in terms of the said settlement deed.

8. *Per contra*, learned APP for the State has submitted that the offences alleged against the present petitioner are serious in nature. She further submits that the accident in the present case had occurred on account of the negligence of the petitioner in getting the bathroom wall repaired and due to lack of proper precautionary measures.

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

10. 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.

11. 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. A perusal of the chargesheet would reflect that the petitioner has been arrayed as an accused on the complaint of respondent No. 2, who along with the deceased was working as a labourer at the premises of the petitioner. After the deceased



started dismantling the bathroom wall, it collapsed on the head of the deceased, thereby, causing his death. The facts of the present case reveal that the incident was purely accidental in nature.

12. Be that as it may, respondent Nos. 2 and 3 (wife and son of the deceased respectively) have entered into a settlement with the petitioner *vide* Settlement Deed dated 08.08.2023 (Annexure P-2). In pursuance of the said settlement, the petitioner has agreed to pay a sum of Rs. 5,00,000/- as compensation to respondent Nos. 2 and 3 as full and final settlement. However, the petitioner has agreed to enhance the amount to Rs. 10,00,000.

13. As noted hereinabove, a sum of 10,00,000/- has been paid by the petitioner to respondents No. 2 and 3 through various UPI transactions. Details of the said UPI transactions have been handed over in Court today, and the same have been taken on record. Respondent Nos. 2 and 3 have further acknowledged the payment of compensation of Rs. 10,00,000/-. It is pertinent to note that respondent no.2 is the author of the FIR.

14. 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. 520/2020, under Sections 288/304A of the IPC at PS Mukherjee Nagar, Delhi and all other consequential proceedings emanating therefrom including the chargesheet pending in the Court of Ms. Amardeep Kaur, learned ACJM, Rohini Courts, North-West District, Delhi.

15. In totality of facts and circumstance of the case and in the interests of justice, FIR No. 520/2020 under Sections 288/304A IPC registered at PS Mukherjee Nagar, Delhi and all other consequential proceedings emanating therefrom including the chargesheet pending in the Court of Ms. Amardeep Kaur, learned ACJM, Rohini Courts, North-West District, Delhi are hereby



quashed.

16. The present petition is allowed and disposed of accordingly.
17. Pending application(s), if any, also stand disposed of.
18. Copy of the order be sent to the concerned learned Trial Court for necessary information and compliance.
19. Order be uploaded on the website of this Court *forthwith*.

AMIT SHARMA, J

FEBRUARY 6, 2025/nk/sc

Click here to check corrigendum, if any