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

+ **W.P.(CRL) 2886/2023, CRL.M.A. 7120/2024**

SHRI SUNIL KUMAR SHARMA & ANR.Petitioners

Through: Ms. Tanu Singhal, Advocate.

versus

STATE & ORS.Respondents

Through: Mr. Yasir Rauf Ansari, ASC with Mr. Alok Sharma, Ms. Jyotsna Pandit and Mr. Mohit Raj Nagar, Advocates for State Mr. Mahesh Chand, SI, PS-Badarpur.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

12.03.2025

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1. The present petition has been filed seeking quashing of FIR No. 310/2023 dated 13th August, 2023, registered at Police Station Badarpur for the offences under Sections 288/304A of the Indian Penal Code, 1860,¹ as well as all consequential proceedings emanating therefrom. The instant FIR was registered pursuant to the demise of Late Sh. Pappu Lal Kashyap, who had been employed by the Petitioners as a daily wage labourer for certain construction work. Allegedly, on account of the Petitioners' failure to provide the requisite safety equipment, the deceased fell from the fifth floor of the construction building, ultimately resulting in his death on 13th August, 2023. This incident led to the registration of the impugned FIR against the Petitioners. Respondent No. 2 is the wife of the deceased, while Respondent

¹ "IPC"



Nos. 3-8 are his daughters.

2. The request for quashing of the FIR is made in light of the amicable settlement reached between the parties, as evidenced by Deed of Compromise/ Settlement executed on 23rd September, 2023, between the Petitioners and Respondent No. 2. A copy of the aforementioned Settlement Agreement has been duly placed on record.

3. On 29th July, 2024, this Court had passed the following order:

"1. Petition under Article 226 read with Section 482 Cr.P.C has been filed on behalf of the petitioner seeking quashing of FIR No. 0310/2023 dated 13.08.2023 at PS. Badarpur under Sections 288/304A IPC.

2. The petitioners as well as Respondent No. 2 and 6 are present in person. However, the respondent Nos.3, 4, 5, 7 & 8 have joined through VC, who all have no objection to the Settlement arrived at between the parties vide Settlement Deed dated 23.09.2023 whereby the parties had agreed for accepting the compensation of Rs.5,00,000/- on account of the demise of Sh. Pappu Kashyap, husband of respondent No. 2 and father of the remaining respondents. However, they have subsequently agreed and an Affidavit has been filed to state that the additional sum of Rs.2,00,000/- have been given to the respondent in settlement thereof.

3. Learned counsel for the parties present endorses the Settlement and agree that the Settlement has been made voluntarily and without any coercion. It is further submitted that the Settlement inter se the parties is hereby accepted and the respondents endorse that Respondent No. 2 has received a sum of Rs. 7,00,000/- which she has deposited in the FDR in her name for one year. She further submits that she would require the money in the upcoming months for the marriage of the daughters.

4. Considering that the compensation was paid not only for the wife but also for the six girls, out of whom one is already married, it is hereby directed that the respondent No.2 shall get the accounts of the girls opened in their names and the compensation amount shall be deposited in their account in the following manner:



Name of the Respondent.	Date of Birth	Amount(Rs.)	Remarks
Ms. Kamlesh	01.01.1977	2,75,000	In 3 FDRs
Ms. Aarti (Married)	12.07.1999	25,000	In Cash/D.D.
Ms. Shanju	01.01.2009	75,000	Till the age of maturity.
Ms. Anjali	30.04.2004	75,000	
Ms. Shashi	25.12.2012	75,000	
Ms. Shivani	21.01.2017	1,00,000	
Ms. Roshani	20.05.2004	75,000	

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5. The mother Smt. Kamlesh shall deposit the amount of Rs.2,75,000/- in three FDRs of Rs. 75,000, Rs. 75,000 and Rs. 1,25,000/- for a period of two years, three years and five years respectively. The FDRs of the children shall be under the guardianship of mother Smt. Kamlesh and the interest be withdrawn by her quarterly to meet the day to day requirements.

6. The FDRs in the aforesaid manner be produced for consideration on 11.09.2024.”

4. In compliance of the said directions, Respondent No. 2 has placed on record an affidavit, stating that the amount has been deposited in the FDRs to the following effect:

NAME OF THE RESPONDENT	DATE OF BIRTH	AMOUNT	REMARKS
Ms. Kamlesh	01.01.1977	2,75,000/-	In cash and towards the same, the affidavit of the respondent has already been filed
Ms. Aarti (Married)	12.07.1999	25,000/-	In cash and in lieu of the same, the affidavit of the respondent has been filed.
Ms. Shanju	01.01.2009	75,000/-	The amount is deposited via FDR, Vide CIF No. 9186882494-5, A/c no. 43327944257.
Ms. Anjali	30.04.2004	75,000/-	The amount is deposited via FDR, Vide CIF No. 9186972583-0, A/c no. 43327944916.
Ms. Shashi	25.12.2012	75,000/-	The amount is deposited via FDR, Vide CIF No. 460232486, A/C no. 020128082003.
Ms. Shivani	21.01.2017	1,00,000/-	The amount is deposited via FDR, Vide CIF No. 9186961324-1, A/C no. 43327943730.
Ms. Roshani	20.05.2004	75,000/-	The amount is deposited via FDR, Vide CIF No. 9186968594-3, A/c no. 43327945386.



5. Respondent No. 2 is present in person, and has been duly identified by the by the IO as well as the counsel. She states that the entire amount of INR 7,00,000/- has been received by her, and has been deposited in the FDRs of Respondent Nos. 3 to 8. She states that she has no objections to the quashing of the FIR.

6. At this juncture, it is imperative to emphasise the Court's power under Section 482 of the CrPC to quash criminal proceedings pursuant to a settlement between the parties. In this regard, the Supreme Court in *Narinder Singh & Ors. v. State of Punjab & Anr.*,² has laid down certain guidelines and parameters for the High Courts while accepting settlement and quashing the proceedings:

“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.

29.3. Such a power is not to be exercised in those prosecutions which

² (2014) 6 SCC 466.



involve heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. Such offences are not private in nature and have a serious impact on society. Similarly, for the offences alleged to have been committed under special statute like the Prevention of Corruption Act or the offences committed by public servants while working in that capacity are not to be quashed merely on the basis of compromise between the victim and the offender.

29.4. On the other hand, those criminal cases having overwhelmingly and predominantly civil character, particularly those arising out of commercial transactions or arising out of matrimonial relationship or family disputes should be quashed when the parties have resolved their entire disputes among themselves.

29.5. While exercising its powers, the High Court is to examine as to whether the possibility of conviction is remote and bleak and continuation of criminal cases would put the accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal cases.

[Emphasis Supplied]

7. In view of the law discussed above as well as the settlement between the parties, the Court is of the considered opinion that this matter deserves to be given a quietus, as the continuation of the present proceedings would serve no fruitful purpose, but rather only amount to an abuse of the judicial process and impose an unwarranted burden on the State Exchequer.
8. Accordingly, the petition is allowed, and FIR No. 310/2023 dated 13th August, 2023 under Sections 288/304A IPC registered at P.S. Badarpur and the proceedings emanating therefrom are quashed.
9. The parties shall abide by the terms of settlement.
10. Accordingly, the petition is disposed of. Pending applications (if any) are disposed of as infructuous.

SANJEEV NARULA, J

MARCH 12, 2025

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