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

+ CRL.M.C. 5593/2024

PREM NARAYAN PANDEY & ANR.Petitioners

Through: Mr. Karan Veer Tyagi, Adv.

versus

STATE NCT OF DELHI AND ORS.Respondents

Through: Mr. Nawal Kishore Jha, APP for State
with S.I. Naveen Sharma, P.S.
Bawana, Delhi.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

17.01.2025

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1. The present petition has been filed under Section 482 CrPC seeking quashing of FIR No.644/2022 under Sections 285/304A IPC registered at P.S. Bawana, Delhi and all consequential proceedings emanating therefrom on the ground that the parties have arrived at a settlement.
2. The petitioners, as well as, respondent no.2, who is wife of the deceased, are present in Court and they have been identified by the Investigating Officer i.e. S.I. Naveen Sharma, P.S. Bawana, Delhi. The respondent no.3, who is stated to be the father of deceased is not present and is exempted from his personal appearance.
3. The brief facts of the case are that the deceased was working in the factory of the petitioner no.2 where he got electrocuted and passed away. This led to the registration of the aforesaid FIR.



4. During pendency of the proceedings, the parties are stated to have arrived at a settlement, terms whereof were reduced in writing in the form of Compromise Deed dated 07.01.2023, a copy of which is annexed as Annexure P-3 to the present petition.
5. As per the said compromise deed, the petitioner no.2 has agreed to pay the full and final settlement amount of Rs.3,00,000/- to the respondent nos.2 and 3. However, the learned APP submits that the settlement amount is on the lower side.
6. At this, the learned counsel appearing on behalf of the petitioners, on instructions from petitioner no.2, who is present in the court, states that the petitioners are ready to pay enhanced compensation amount of Rs.5,00,000/. On a query posed by the Court, the respondent no.2 states that she is satisfied with the quantum of compensation.
7. Out of the settlement amount of Rs.5,00,000/-, a sum of Rs.1,00,000/- was paid earlier through banking transaction, the details of which have been annexed as Annexure P-4 to the present petition.
8. A further amount of Rs.2,00,000/- has been paid in the following manner:
 - (i) Demand draft bearing no.057571 dated 15.01.2025 issued by Axis Bank, Ashok Vihar, New Delhi for Rs.1,50,000/- in favour of respondent no.2 has been handed over to the respondent no.2, who is present in the court.
 - (ii) Demand draft bearing no.057572 dated 15.01.2025 issued by Axis Bank, Ashok Vihar, New Delhi for Rs.50,000/- in favour of respondent no.3 has also been handed over to the respondent no.2.
9. The receipt of Rs.3,00,000/- is acknowledged by the respondent no.2.



10. Insofar as balance compensation amount of Rs.2,00,000/-, is concerned, the learned counsel for the petitioners, on instructions from the petitioner no.2, who is present in court, submits that the same will be transferred through RTGS or any other mode in the account of the respondent no.2, within a period of 10 days from today. The statement is taken on record.

11. The respondent no.2 submits that she has no objection in case the FIR is quashed.

12. 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.”

13. 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.

14. It is, thus, in the interest of justice that the present FIR and all the other proceedings emanating therefrom be quashed.

15. Consequently, the petition is allowed and FIR No.644/2022 under Sections 285/304A IPC registered at P.S. Bawana, Delhi along with all other consequential proceedings emanating therefrom, is quashed, subject to



realisation of balance compensation amount of Rs.2,00,000/-, as noted above, the proof of which shall be furnished by the petitioners in the Court by way of an affidavit within a period of four weeks.

16. In the event the proof of payment of balance compensation is not furnished, the Registry is directed to place the matter before Court within two weeks thereafter.

17. The petition stands disposed of in the above terms.

18. Order be uploaded on the website of this Court.

VIKAS MAHAJAN, J

JANUARY 17, 2025/aj