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

+ **CRL.M.C. 8067/2023**

DHARAM BIR MAAN

.....Petitioner

Through: **Mr. A.K.Mishra and Ms. Kanchan
Shukla, Advocates.**

versus

THE STATE NCT OF DELHI & ORS.

.....Respondents

Through: **Mr. Sanjeev Sabharwal, APP for the
State with Ms. Mansi Sharma,
Advocate.**

**SI Chetan Kumar Rama and SI Lal
Chand, PS V.K.South.**

Respondent Nos. 3 and 4 in person.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

21.03.2025

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1. This hearing has been done through hybrid mode.
2. The present petition under Section 482 of the Code of Criminal Procedure, 1973 (for short, 'CrPC') has been filed seeking the following prayers: -

“It is most respectfully prayed that this Hon'ble Court may graciously be pleased to quash the F.I.R bearing No. 0496/23, under section 288/304A of I.P.C, Police Station Vasant Kunj South New Delhi in the interest of justice.

Grant any other order or relief as this Hon'ble Court may deem fit and proper in the facts and circumstance of the case may also be granted to the petitioners, in the interest of justice.”

3. The case of the prosecution as per the status report dated 15.12.2023 authored by Inspector Kumar Rajeev, SHO, P.S. Vasant Kunj South is as under: -



“1. That, On 09.09.2023, an information vide DD no. 67A was received regarding (MLC) no. 13421/23 from Indian Spinal Injury Center Hospital. The incident involved a 42-year-old individual named Pt. Sunil, who had fallen from a height at JK Farm, Vasant Kunj, sustaining Injuries and rendering him unconscious.

2. Upon reaching the hospital, Pt. Sunil was under treatment with a mention of the incident in the MLC. Pt. Sunil's nature of injury was kept under evaluation, and he was deemed unfit for a statement. The injured was later referred to Safdarjung Hospital.

3. The incident site at JK Farm, Vasant Kunj, was visited and inquiry revealed Pt. Sunil was preparing surface for whitewash while standing on the tiled window shed of the building with No safety equipment was present, and bloodstains were found at the fall site. Local inquiries revealed that Sunil, a painter hired by Dharamvir (owner of the house), fell while working on the first-floor canopy without safety equipment.

4. Crime team inspected the site, and exhibits were lifted from the spot. Subsequently, Information was received vide DD no. 13 from Safdarjung Hospital about Pt. Sunil's death during treatment and the body was shifted to Safdarjung Mortuary.

5. A case FIR no. 496/23 U/s 288/304A IPC was registered. The postmortem of the deceased was conducted at Safdarjang Hospital on 10.09.23 (vide PM No. 2125/23).

6. During the investigation of the case, statement u/s 161 CrPC of the brother and wife of the deceased were recorded who stated that the deceased was hired by petitioner Mr. DharamBirMaan, the owner of the property JK Farm, Park Lane, Vasant Kunj, Delhi, for paint and restoration work at his property. Further stating that the deceased used to complain at home regarding lack of sufficient safety measures at work even after the petitioner was informed by the deceased multiple times. Further stating that petitioner Mr. Man Would rather tell the deceased to work with the available equipments and finish the work quickly. Subsequently applicant accused DharamBirMaan was arrested and released on police bail. Further the FSL result of the lifted exhibits is pending and investigation is case is pending.”

4. Learned counsel for the petitioner has submitted that the deceased was working as mason/labourer in the house of the petitioner which was under renovation and he had fallen from the first floor of the house due to lack of attention. It is submitted that the said incident was accidental in nature. It is



further submitted that it was the petitioner's son who had taken the deceased to the hospital after the incident and the petitioner had also borne all the expenses which were incurred during the treatment of the deceased prior to his death.

5. *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 the negligence of the petitioner as no proper safety measures were employed by him while the renovation work of his house was underway. He further submits that the chargesheet in the present case has been filed before the Court of competent jurisdiction.

6. Heard the learned counsel for the parties and perused the records.

7. 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.

8. 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. Perusal of the chargesheet shows that the present petitioner was arrayed as an accused after the completion of investigation on account of the fact that there were no safety



measures installed at the house of the petitioner where the renovation work was ongoing. The facts of the present case reveal that the incident in the present case was purely accidental in nature and the deceased had suddenly fallen while he was engaged in the renovation work on the first floor in the petitioner's house. The prime witnesses cited by the prosecution are brother and wife (respondent No. 3) of the deceased and there is no witness as to how and in what circumstances the incident had happened.

9. Be that as it may, respondent No. 3 (wife of the deceased) had entered into a settlement with the petitioner *vide* settlement deed/Compromise Deed dated 11.10.2023 (Annexure-P/3). In pursuance of the said settlement, the petitioner has agreed to pay a sum of Rs. 8,00,000/- as compensation to respondent No. 3 as full and final settlement and the said amount has already been paid to her. During the pendency of the present petition, the petitioner has also employed respondent No. 3 for sweeping and looking after his property on a salary of Rs. 8,000/- per month and had also paid Rs.1,00,000/- to respondent No. 4 (mother of the deceased) along with other facilities for supporting the family of the deceased. An affidavit of the petitioner dated 20.11.2024 has also been placed on record regarding the same.

10. In terms of the said compromise deed, affidavits of respondent Nos. 3 and 4 (wife and mother of the deceased respectively) have also been placed on record, whereby, they have stated that they have no objection if the present FIR is quashed and that respondent No. 3 had entered into the said compromise deed out of her own will and without any pressure, undue influence or coercion from any other person.

11. Petitioner, respondent Nos. 3 and 4 have appeared before this Court and have been duly identified by their respective counsel as well as the



Investigating Officers, SI Chetan Kumar Rama and SI Lal Chand, PS Vasant Kunj South. Respondent Nos. 3 and 4 have stated that all the terms of the aforesaid settlement deed have been complied with and they have no objection if the present FIR along with all other consequent proceedings emanating therefrom including the chargesheet are quashed.

12. 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. 496/2023, under Sections 288/304A of the IPC registered at PS Vasant Kunj, South and all other consequential proceedings emanating therefrom including the chargesheet pending in the Court of Sh. Siddhant Sihag, learned ACJM, Patiala House Courts, Delhi.

13. In totality of facts and circumstance of the case and in the interests of justice, FIR No. 496/2023, under Sections 288/304A of the IPC registered at PS Vasant Kunj, South and all other consequential proceedings emanating therefrom including the chargesheet pending in the Court of Sh. Siddhant Sihag, learned ACJM, Patiala House Courts, Delhi, are hereby quashed.

14. The present petition is allowed and disposed of accordingly.

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

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

17. Order be uploaded on the website of this Court *forthwith*.

MARCH 21, 2025/sn

AMIT SHARMA, J

Click here to check corrigendum, if any