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

+ **CRL.M.C. 6121/2024**

**EARTHZ URBAN SPACES PRIVATE LIMITED ACTING
THROUGH ITS DIRECTOR RAMAN KUMAR DAS & ORS.**

.....Petitioners

Through: Ms. Mahima Arora, Adv. with
petitioner nos. 2, 3 and 4 (through VC)

versus

STATE OF NCT OF DELHI AND ANR & ANR.Respondents

Through: Ms. Kiran Bairwa, APP for State with
ASI Dalbeer Singh PS C.R. Park
Respondent no.2 in person.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER
25.02.2025

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1. The present petition has been filed under Section 528 BNSS, 2023 seeking quashing of FIR No.0086/2024 under Sections 288/336 IPC registered at Police Station Chitranjan Park and all consequential proceedings emanating therefrom on the ground that the parties have arrived at a settlement.

2. Issue notice. The learned APP for the State accepts notice. She submits that since the parties have arrived at a settlement, the State has no objection in case the FIR in question is quashed.

3. The respondent no. 2 is present in Court whereas petitioner nos. 2, 3 and 4 have joined through VC. The parties have been identified by learned counsel appearing on behalf petitioner, as well as, by the Investigating Officer



ASI Dalbeer Singh PS C.R. Park.

4. The case of the prosecution as per FIR is that respondent no.2 was working as a cleaner in the petitioner no.1/company. While cleaning the 1st Floor of property located at S-428, GK-II, she fell from the gallery of that floor and suffered injuries, which led to the registration of aforesaid FIR.

5. During the pendency of proceedings, the parties arrived at a settlement, terms whereof were reduced in writing in the form of Settlement Agreement dated 26.07.2024, which is annexed as Annexure P-4 to the present petition.

6. It is recorded in the settlement that all the medical expenses of the respondent no.2 and her salary for three months from date of the agreement have been agreed to be borne by the petitioner no.1 company.

7. It is also recorded in the settlement that the respondent no.2 shall cooperate with the petitioners for quashing of aforesaid FIR.

8. The respondent no.2, who is present in Court, on a query posed by the Court, affirms the factum of settlement and states that she has no objection in case the FIR is quashed.

9. 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.”

10. 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.

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

12. Consequently, the petition is allowed and the FIR No.0086/2024 under Sections 288/336 IPC registered at Police Station Chitranjan Park alongwith all other proceedings emanating therefrom, is quashed.

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

VIKAS MAHAJAN, J

FEBRUARY 25, 2025
N.S. ASWAL