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

+ CRL.M.C. 7973/2024

ANTRIX CONSTRUCTION PRIVATE LIMITED & ORS.

.....Petitioners

Through: Mr. Manish Gandhi, Adv.

versus

STATE GOVT. OF NCT OF DELHI AND ORS.Respondents

Through: Mr. Pradeep Gahlot, APP for State
with SI Naveen Kumar, PS. SJ
Enclave.

Mr. Akhil Maan and Mr. Ayush
Kumar, Advs. for R-2 to R-4.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

15.01.2025

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1. The present petition has been filed under Section 528 BNSS, 2023 seeking quashing of FIR No.203/2023 under Sections 288/304A IPC registered at Police Station Safdarjung Enclave and all consequential proceedings emanating therefrom on the ground that the parties have arrived at a settlement.
2. Notice was issued in the present petition on 08.10.2024.
3. The learned APP submits that since the FIR is an outcome of an accident and the parties have arrived at a settlement, the State has no objection in case the FIR in question is quashed.
4. The petitioner no. 1 is a construction company whereas petitioner nos. 2 to 5 are its directors. The petitioner nos. 6 and 7 are employees of petitioner no. 1. The respondent nos. 2 and 3 are parents of the deceased



whereas the respondent no. 4 is the sub-contractor, who had hired the deceased.

5. The petitioner nos. 2 to 7 and the respondent nos. 2 and 4 are present in Court and they have been identified by their respective counsel, as well as, by the Investigating Officer SI Naveen Kumar, PS. SJ Enclave whereas the respondent no.3, who is the wife of the respondent no.2 whose presence is exempted.

6. The brief facts of the case are that on 12.07.2023, the victim namely, Arbaz, who was working at a construction site accidentally fell from the 6th floor and lost his life. The deceased worked for the petitioner no.1 company, on account of which complaint was filed which culminated into registration of the present FIR.

7. The learned counsel for the petitioner submits that initially the settlement was arrived at between the parties for an amount of Rs. 6 lacs, terms whereof were reduced in writing in the form of Compromise-cum-Settlement Deed dated 02.09.2024, which is annexed as Annexure A-4 to the present petition.

8. However, the parties were referred to Delhi High Court Mediation and Conciliation Centre *vide* order dated 08.10.2024 for the purpose of enhancement of compensation amount. He submits that the petitioners have agreed to pay enhance compensation amount to Rs. 10 lacs.

9. The mediation proceedings are still stated to be pending, however, the respondent no.2 (father of the deceased), is present in the Court.

10. During the mediation proceedings, it has been decided between the parties that the petitioners shall pay a total sum of Rs.10 lacs to the respondent no.2 (father of the deceased) towards full and final settlement of



all his claims in totality. The respondent no.2 affirms the factum of settlement and acknowledges having receipt of Rs. 6.90 lacs besides Rs. 50,000/- at the time of death of the deceased. Thus, the respondent no.2 has received a total sum of Rs. 7.40 lacs. The remaining amount of Rs. 2.60 lacs has been paid to the respondent no.2 today in the Court by the petitioners by way of Cheque bearing No.026837 dated 15.01.2025 issued by Union Bank, Dwarka Sector-4 Branch, West Delhi-110078.

11. The receipt of entire settlement amount of Rs.10 lacs is acknowledged by the respondent no.2, who is present in Court.

12. The petition is also supported by the affidavits of the respondent nos. 2 to 4.

13. The respondent no.2, on a query posed by the Court, states that he is satisfied with settlement amount and that he has no objection in case the FIR is quashed.

14. 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.”

15. 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.

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

17. Consequently, the petition is allowed and the FIR No.203/2023 under Sections 288/304A IPC registered at Police Station Safdarjung Enclave alongwith all other proceedings emanating therefrom, is quashed.

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

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

VIKAS MAHAJAN, J

JANUARY 15, 2025/dss