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

+ **CRL.M.C. 10117/2024**

RAVINDER KUMAR GARG

.....Petitioner

Through: Mr. Waseem Ansari, Adv. with
petitioner in person.

versus

STATE GOVT OF NCT OF DELHI & ORS.Respondents

Through: Mr. Utkarsh, APP for State with ASI
Sanjay Kumar PS Bawana
Respondent nos.2 and 3 in person.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

% **04.02.2025**

CRL.M.A. 38830/2024 (exemption)

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

CRL.M.C. 10117/2024

3. The present petition has been filed under Section 528 of BNSS, 2023 seeking quashing of FIR No.639/2024 under Sections 287/106 of BNS, 2023 registered at Police Station Bawana and all consequential proceedings emanating therefrom on the ground that the parties have arrived at a settlement.
4. Issue notice. The learned APP for the State accepts notice. He submits that since the parties have arrived at a settlement, the State has no objection in



case the FIR in question is quashed.

5. The petitioner, as well as, respondent nos. 2 and 3 are present in the Court and they have been identified by learned counsel for the petitioner, as well as, by the Investigating Officer ASI Sanjay Kumar PS Bawana.

6. The brief facts of the case are that the son of respondent nos. 2 and 3, who was working in the premises of the present petitioner got electrocuted in the factory of the petitioner and died, which led to the registration of present FIR.

7. During the pendency of the proceedings, the parties arrived at a settlement, terms whereof were reduced in writing in the Affidavit/NOC of the respondent no.2.

8. It is recorded in the said affidavit that the petitioner has settled the matter for a sum of Rs. 5,00,000/- for deceased's family's financial support. It is further mentioned that an amount of Rs.10,000/- has already been paid and the balance payment of Rs.4,90,000/- shall be paid in the Court by way of demand draft at the time of quashing of FIR.

9. However, the petition was opposed by the learned APP for the State on the ground that the amount of settlement is on the lower side. At this, the learned counsel for the petitioner on instructions agreed to pay a further sum of Rs. 2,00,000/- to the parents of the deceased as an additional compensation.

10. The matter was thus, passed over to enable the petitioner to transfer the additional compensation amount of Rs. 2,00,000/-. Accordingly, the petitioner transferred the said amount through IMPS bearing transaction ID 14357627682 dated 04.02.2025 into the account of the respondent no.2/Babita Devi, who is mother of the deceased.

11. The remaining amount of Rs. 4,90,000/- has also been paid to the



respondent no.2 today in the court by the petitioner by way of Demand Draft bearing No.534429 dated 02.12.2024 issued by Canara Bank, Specialised SME Bawana Branch, New Delhi-110039.

12. The receipt of entire amount of Rs.7,00,000/- Lakhs is acknowledged by the respondent no.2, who is present in the Court alongwith her husband i.e. respondent no.3.

13. The parents of the deceased, on a query posed by the Court, states that they are satisfied with the amount of compensation paid to them and they have 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.639/2024 under Sections 287/106 of BNS, 2023 registered at Police Station Bawana and all



consequential 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

FEBRUARY 4, 2025

N.S.ASWAL