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

+ **W.P.(CRL) 26/2025**

SUSHIL SHARMA

.....Petitioner

Through: Mr. Yudhister Sharma and Mr. Sunita Kumar, Advocates.

versus

THE STATE G.N.C.T OF DELHI & ORS.Respondents

Through: Mr. Amol Sinha, ASC (Crl.) with Mr. Kshitiz Garg Mr. Ashvin Kumar, Mr. Rahul Kochar, Ms. Chavi Lazarus and Ms. Sanskriti Nimbekar, Advocates for the State with SI Dipesh Malik, ASI Surender, PS S.P. Badli. Mr. Aditya Goel, Advocate for R6. Mr. Gursimran Singh Sodhi, Advocate for R2-R6.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

19.02.2025

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CRL.M.A. 220/2025 (Exemption)

1. Exemption allowed, subject to all just exceptions.
2. The Application stands disposed of.

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3. Writ Petition under Article 226/227 of the Constitution of India read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (*hereinafter referred to as 'B.N.S.S.'*)/under Section 482 of the Code of Criminal Procedure, 1973 (*hereinafter referred to as 'Cr.P.C.'*) has been



filed on behalf of the Petitioner, Sushil Sharma seeking quashing of FIR No. 0305/2016 under Section 338/304A/285 of the *Indian Penal Code, 1860* registered at Police Station Samaipur Badli, Delhi along with all the subsequent proceedings emanating therefrom.

4. It is submitted that on 30.03.2016, there was an incident of fire at factory of the Petitioner located at Khasra No. 28/13, Gali No. 23, Siraspur Road, Libaspur, Delhi on account of a massive cylinder burst in which Ms. Rubi, aged about 32 years died of burn injuries while Mr. Shyam Sunder suffered minor injuries. The FIR got registered. The Petitioner and the Respondent No. 2, legal heirs of Ms. Rubi, arrived at a Settlement/Memorandum of Understanding (MOU) whereby a sum of Rs.8,15,400/- got paid before the Labour Commissioner. In addition Rs.2,00,000/- have been paid to the legal heirs of deceased, Ms. Rubi Devi on 18.12.2024.

5. It is further stated that the injured, Mr. Shyam Sunder, who had minor burn injuries, had died during the CORONA. The compensation of Rs.2,00,000/- has been given to the legal heirs of Mr. Shyam Sunder on 18.12.2024 as per the MOU dated 18.12.2024 and the payment has been made in the Court, before the last date of hearing. The parties are present in the Court and have reaffirmed the terms of Settlement. The Statements have already been recorded by the learned Joint Registrar.

6. **Submissions heard and the record perused.**

7. Learned ASC on behalf of the State, submits that the Charge-Sheet has already been filed in 2021 and the matter is at the stage of prosecution evidence.

8. Considering the totality of the circumstances, the FIR No. 0305/2016



under Section 338/304A/285 of the IPC registered at Police Station Samaipur Badli, Delhi along with all the subsequent proceedings emanating therefrom, is hereby quashed.

9. The Petition is disposed of accordingly.

NEENA BANSAL KRISHNA, J

FEBRUARY 19, 2025/RS