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

% ***Date of Decision: 07th May, 2026***

+ **CRL.M.C. 3536/2026 & CRL.M.A. 14385/2026**

UPENDER PRASAD AND ANR.Petitioner

Through: Mr. Anil Devlal, Ms. Rita, Ms. Neetu
Badolia, Mr. Rajesh Kumar & Mr.
Krishan Kumar Sharma, Advs.
Petitioner Nos. 1 and 2 in person

versus

STATE NCT OF DELHI AND ANRRespondents

Through: Ms. Priyanka Dalal, APP
SI Yogendra Kumar & SI Narpender
Kumar Sheoran, PS-Vikaspuri, Delhi.
Respondent No.2 in person

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

1. The present petition has been filed under Section 528 BNSS and petitioners herein seek quashing of FIR No. 694/2023 dated 18.12.2023 registered at Police Station Vikaspuri, for commission of offences under Sections 288/337/34 IPC, along with all consequential proceedings arising therefrom, on the basis of compromise arrived at between the parties.
2. The above said FIR was registered on the basis of complaint lodged by one Sh. Narender Kumar on 08.12.2023 at P.S. Vikaspuri. Complainant claimed that he was working as a labourer and was working at one particular site i.e., Flat no. 46, First Floor, Vaishali Apartment, Vikaspuri. He was deployed by the contractor, Upender Prasad (petitioner no. 1 herein) and they were to lay tiles in the above said flat.



3. At the time of abovesaid construction work, Narender Kumar as well as *mason-Shyam Babu*, fell down and Narender Kumar sustained injuries as some portion of the *balcony* had fallen upon him. He was rushed to Safdarjung Hospital and his statement was then recorded wherein he indicted the contractor as no safety equipments had been provided. He also levelled allegations of negligence on the part of the landlord i.e., Deepak and prayed for legal action to be taken.
4. Charge-sheet has already been filed but charges are yet not ascertained.
5. However, when the matter was referred to mediation, the parties were able to amicably resolve the matter under the *aegis* of Delhi Mediation Centre, Dwarka Courts, Delhi, on 27.02.2026.
6. It is in the abovesaid backdrop that quashing is being sought.
7. Petitioner Nos. 1 and 2 are present in court.
8. Respondent no. 2 is present in person and he has been duly identified by his counsel as well as by Investigating Officer.
9. The Investigating Officer also informed that no injuries were sustained by the concerned *mason-Shyam Babu*.
10. When asked, respondent No. 2 reiterates the terms of abovesaid settlement. He states that he has agreed to accept a total sum of Rs. 1,50,000/- as compensation for his injuries and medical expenditure as full and final settlement. He states that he has entered into the abovesaid settlement out of his own free will, without any coercion and influence from any corner whatsoever and therefore, he would have '*no objection*' if FIR in question is quashed. He has been handed over one demand draft and one cheque of Rs. 75,000/- each drawn on Bank of Baroda and State Bank of India respectively, during the course of proceedings, which he has accepted.



11. Consequently, to secure the ends of justice, FIR No. 694/2023 dated 18.12.2023 registered at Police Station Vikaspuri, for commission of offences under Sections 288/337/34 IPC along with all consequential proceedings arising therefrom, is, hereby, quashed subject to petitioners depositing total cost of Rs. 10,000/- in the account of *Delhi High Court Legal Services Committee* within four weeks from today.

12. Proof of deposit of cost, Original MoU as well as original affidavits of the parties shall be submitted before the learned Trial Court by the next date fixed before it.

13. The petition stands disposed of in aforesaid terms.

14. Pending application also stands disposed of in aforesaid terms.

(MANOJ JAIN)
JUDGE

MAY 7, 2026/jk/pb