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

+ CRL.M.C. 2964/2022

MAN SINGH

..... Petitioner

Through: Mr. Ganesh Khanna, Advocate with
petitioner.

versus

THE STATE NCT OF DELHI & ANR.

..... Respondents

Through: Mr. Naresh Kumar Chahar, APP for
the State with Mr. Pawan Kumar,
Addl. DCP, Inspector Somvir Kumar
Jha, SI Pradeep Kumar and SI Arvind
Kumar, P.S. Fatehpur Beri.
R-2 in person.

CORAM:

HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

ORDER

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01.08.2022

1. The instant petition under Section 482 of the Code of Criminal Procedure, 1973 has been filed by the petitioner praying for quashing of FIR bearing No. 158/2019 registered at Police Station Fatehpur Beri, Delhi for offences punishable under Sections 283/338 IPC of the Indian Penal Code, 1860.
2. Notice. Mr. Naresh Kumar Chahar, learned APP accepts notice on behalf of the State.
3. Petitioner is present before this Court and has been identified by his counsel Mr. Ganesh Khanna and Investigating Officer (IO) SI Pradeep Kumar from Police Station Fatehpur Beri.

4. That the gravamen of the allegation against the petitioner in the FIR No. 158 of 2019, dated April 30, 2019 is that on 29.04.2019, a board which is alleged to have been present at the site of work where the petitioner herein was carrying on work fell on the son of the respondent no. 2 and consequently the son of respondent no.2 sustained injuries. It is alleged that the said accident happened due to the negligence of the Petitioner herein.

5. On a query made by this Court, respondent no.2 (father of the minor injured) who has been identified by the IO, has categorically stated that he has entered into this compromise out of his own free will and without any pressure, coercion or threat. It is also stated by respondent no.2 (father of the minor injured) that the entire dispute has been amicably settled between the parties vide Memorandum of Understanding/Settlement Agreement dated 27.05.2022 entered into between them.

6. It is submitted by respondent no. 2 (father of the minor injured) that he has been paid Rs. 80,000/- as well as the medical expenses for the treatment of the child. The petitioner works for a private construction company i.e. M/s Varun Gupta and Company.

7. The child is stated to be studying in 3rd standard. The applicant is directed to pay a sum of Rs. 1500/- per month towards the educational expenses of the child till he clears his 10th class examination. Subject to his continuing his studies, it is expected that the father will ensure that the child does not discontinue studies Respondent no. 2 (father of the minor injured) is directed to open an account in the name of the child wherein the aforesaid amount will be transferred directly for the welfare of the child.

8. Today, respondent no. 2 (father of the minor injured) who is present in Court states that in view of the aforesaid settlement, he has no objection if

the FIR is quashed.

9. In view of the above fact that the parties have amicably resolved their differences of their own free will, and without any coercion, no useful purpose will be served by continuing the proceedings, rather the same would create further acrimony between them, it would be in interest of justice to quash the abovementioned FIR and the proceedings pursuant thereto. There is no legal impediment in quashing the FIR in question.

10. Accordingly, FIR bearing No. 158/2019 registered at Police Station Fatehpur Beri for offences punishable under Sections 283 and 338 of the IPC and all consequential proceedings emanating therefrom are quashed.

11. The petition stands disposed of.

SWARANA KANTA SHARMA, J

AUGUST 1, 2022/kss