
(2019) 07 DEL CK 0410

In the Delhi High Court

Case No : Criminal Miscellaneous Case No. 5375 Of 2017, Criminal
Miscellaneous Application No. 21013 Of 2017

Hare Ram Singh

APPELLANT

Vs

State & Ors

RESPONDENT

Date of Decision : 04-07-2019

Acts Referred:

Indian Penal Code, 1860 — Section 288, 304A, 337
Code Of Criminal Procedure, 1973 — Section 482

Citation : (2019) 07 DEL CK 0410

Hon'ble Judges : Sunil Gaur, J

Bench : Single Bench

Advocate : Rekha Aggarwal, Sugandha Aggarwal, Izhar Ahmed

Final Decision : Disposed Off

Judgement

Sunil Gaur, J

Petitioner seeks quashing of FIR No. 84/2017, under Sections 288/337/304A IPC, registered at police station North Avenue, New Delhi on the basis of Settlement Deed of 28th October, 2017 (Annexure P-2).

Respondents No. 2 and 3 are the parents of deceased Bardani and respondent No.4 is the widow of Bare Lal Ahirwar, who were employed by petitioner-Contractor for removing debris and had unfortunately died due to accidental fall from top floor of the construction site. Respondent No.5 is the first-informant / complainant of FIR in question.

Learned counsel for petitioner submits that the accident in question occurred due to sheer negligence of the deceased and that respondents No.2 to 4 have been adequately compensated. Petitioner's counsel submits that total compensation of Rs. 2,00,000/- has been given to respondent Nos.2 and 3 and respondent No.4 has been compensated to the tune of Rs. 3,50,000/-.

Upon notice, learned Additional Public Prosecutor for respondent No.1-State

submits that respondents No.2 to 5 are present in the Court and they have been identified by SI Pramod Kumar on the basis of identity proof furnished by them. It is submitted that respondent No.5 is the first-informant of FIR in question.

Respondents No. 2 to 5, present in the Court, submit that death of Bardani and Bare Lal Ahirwar was purely accidental and they have been adequately compensated by petitioner. They affirm the contents of their affidavits of 11th November, 2017 filed in support of this petition and submit that the proceedings arising out of FIR be brought to an end.

Supreme Court in Parbatbhai Aahir @ Parbatbhai Bhimsinhbhai Vs. State of Gujarat (2017) 9 SCC 641 has reiterated the parameters for exercising inherent jurisdiction under Section 482 Cr.P.C. for quashing of FIR / criminal complaint, which are as under:-

"16.7. As distinguished from serious offences, there may be criminal cases which have an overwhelming or predominant element of a civil dispute. They stand on a distinct footing insofar as the exercise of the inherent power to quash is concerned.

16.8. Criminal cases involving offences which arise from commercial, financial, mercantile, partnership or similar transactions with an essentially civil flavour may in appropriate situations fall for quashing where parties have settled the dispute.

16.9. In such a case, the High Court may quash the criminal proceeding if in view of the compromise between the disputants, the possibility of a conviction is remote and the continuation of a criminal proceeding would cause oppression and prejudice."

In the facts and circumstances of this case and in view of the fact that the incident in question was purely accidental and that respondents No.2 to 4 have been adequately compensated, I find that continuance of proceedings arising out of the FIR in question would be an exercise in futility.

Accordingly, this petition is allowed subject to costs of Rs. 10,000/- each payable by petitioner to respondent Nos. 2 to 4. At this stage, petitioner, present in the Court has handed over amount of Rs. 10,000/- each to respondents No.2 to 4 towards costs, who have accepted it. In view of above, FIR No. 84/2017, under Sections 288/337/304A IPC, registered at police station North Avenue, New Delhi and proceedings emanating therefrom are hereby quashed qua petitioner.

This petition and application are accordingly disposed of.