

(2013) 04 DEL CK 0369

In the Delhi High Court

Case No : Criminal M.C. No. 1556 of 2013

Radha @ Siltha Yadav and Another

APPELLANT

Vs

State and Others

RESPONDENT

Date of Decision : 22-04-2013

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 482
Penal Code, 1860 (IPC) — Section 304A, 338

Citation : (2013) 2 JCC 1098

Hon'ble Judges : Sunil Gaur, J

Bench : Single Bench

Advocate : Sameer Chandra and Mr. Rajesh Kaushik, for the Appellant; Sunil Sharma, Additional Public Prosecutor for Respondent No. 1-State with SI Birender Respondents No. 2 to 4 in person, for the Respondent

Final Decision : Disposed Off

Judgement

Sunil Gaur, J.

CrLM.A. No. 4845/2013 (u/S 482 Cr.P.C.)

Allowed subject to all just exceptions.

CRL.M.C. No. 1556/2013

1. Though the offence of which quashing is sought in this petition is u/s 304A of the IPC, but upon perusal of the FIR of this case it becomes evident that the accident in question was unforeseen i.e. the whole projection/chhajja fell down and son of respondent No. 2 was crushed under it and had died. In the said background, I am inclined to entertain this petition for quashing of FIR No. 67/2013, under Sections 338 /304A of the IPC, registered at police station Palam Village, Delhi on the basis of Memorandum of Understanding of 11th April, 2013 (Annexure P-2) arrived at between petitioners and respondents No. 2 & 3, who are parents of the deceased and respondent No. 1, who is the wife of deceased. Upon Notice, Mr. Sunil Sharma, learned Additional Public Prosecutor for

respondent -State submits that respondent No. 2 is the first-informant of FIR in question, who is present in the Court and respondents No. 3 & 4, i.e. the mother and wife of deceased, are also present in the Court and on the basis of identify proof furnished by them, they have been identified by SI Birender, Investigating Officer of this case.

2. Counsel for petitioners states that the subject matter of FIR in question has been mutually settled between petitioners and respondents in terms of Memorandum of Understanding of 11th April, 2013 (Annexure. P-2) and in terms thereof, amount of Rs. 2,00,000/- by way of Banker's Cheque, bearing No. "025499" in the name of Poonam Devi (wife of deceased)/respondent No. 4 and two Banker's cheque bearing No. "025500" & "025502" for an amount of Rs. 1,00,000/- each in the name of respondents No. 2 & 3 (parents of the deceased), each dated 17th April, 2013 drawn on HDFC Bank, have been handed over by petitioners to respondents, who have accepted it in the Court.

3. Respondents No. 2, complainant of FIR in question, submits that the settlement arrived at has been fully acted upon and now he has no grievance against petitioners, so these proceedings be brought to an end.

4. In *Gian Singh Vs. State of Punjab and Another*, Apex Court has recognized the need of amicable resolution of disputes in cases like the instant one, by observing as under:

61. In other words, the High Court must consider whether it would be unfair or contrary to the interest of justice to continue with the criminal proceedings or continuation of criminal proceedings would tantamount to abuse of process of law despite settlement and compromise between the victim and the wrongdoer and whether to secure the ends of justice, it is appropriate that criminal case is put to an end and if the answer to the above question(s) is in the affirmative, the High Court shall be well, within its jurisdiction to quash the criminal proceedings.

5. Considering the fact that the subject matter of the FIR in question has been amicably and mutually resolved in terms of Memorandum of Understanding of 11th April, 2013 (Annexure P-2), no fruitful purpose would be served in continuing with the proceedings arising out of the FIR in question. Accordingly, FIR No. 67/2013, under Sections 338 /304A of the IPC, registered at police station Palam Village, Delhi and proceedings emanating therefrom are quashed qua petitioners-accused persons.

This petition is accordingly disposed of.