

(2019) 07 DEL CK 0211

In the Delhi High Court

Case No : Criminal Miscellaneous Case No. 3374 Of 2019, Criminal
Miscellaneous Application No. 31057 Of 2019

Ram Naresh Verma & Anr

APPELLANT

Vs

State & Ors

RESPONDENT

Date of Decision : 16-07-2019

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 482
Indian Penal Code, 1860 — Section 34, 304A

Citation : (2019) 07 DEL CK 0211

Hon'ble Judges : Sunil Gaur, J

Bench : Single Bench

Advocate : Sameer Diwan, Izhar Ahmed

Final Decision : Disposed Off

Judgement

Sunil Gaur, J

Petitioners seek quashing of FIR No. 451/2018, under Section 304A/34 of IPC, registered at police station Moti Nagar, District West, New Delhi on

the basis of affidavits of respondents No.2 and 5.

Respondents No. 2 is the widow of deceased- Yunus Khan. Respondents No.3 and 4 are minor children of deceased who are represented through

their natural guardian-mother. Respondent No.5 is the mother of the deceased. Deceased was employed by petitioner No.1-Contractor for electrical

work and he had unfortunately died due to an accidental fall from fourth floor of the construction site.

Learned counsel for petitioners submits that the accident in question occurred due to sheer negligence of the deceased and that respondents No.2 to 5

have been adequately compensated.

Upon notice, learned Additional Public Prosecutor for respondent No.1-State submits that respondents No.2 and 5 are present in the Court and they have been identified by ASI Pramod Kumar on the basis of identity proof furnished by them.

Respondents No. 2 and 5, present in the Court, submit that death of Yunus Khan was purely accidental and they have been adequately compensated by petitioners. Respondents No. 2 and 5 submit that compensation of Rs. 5,00,000/- has already been given to them and today they have received four demand drafts bearing Nos.961975-76-77-78, dated 8th July, 2019, amounting to Rupees One Lac Twelve Thousand Five Hundred only from petitioners. They affirm the contents of their affidavits of 12th July, 2019 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 64 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 view of the fact that the incident in question was purely accidental and that respondents No.2 to 5 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. 50,000/- to be paid by petitioners to respondent No.2, widow of deceased. At this stage,

petitioners, present in the Court have handed over amount of Rs. 50,000/- to respondent No.2 towards costs, who has accepted it.

In view of above, FIR No. 451/2018, under Section 304A/34 of IPC, registered at police station Moti Nagar, District West, New Delhi and

proceedings emanating therefrom are hereby quashed qua petitioners.

This petition and application are accordingly disposed of.