

+ CRL.M.C. 3125/2010

MAHESH KUMAR GOEL Petitioner
Through : Mr. T.C. Bhardwaj, Adv. with
petitioner in person.

versus

STATE & ORS Respondents
Through : Mr. M.N. Dudeja, APP for State with
Investigating Officer.
Respondent No.2 and the complainant in person.

CORAM:
HON'BLE MS. JUSTICE HIMA KOHLI

% ORDER
05.10.2010

1. The present petition is filed by the petitioner under Section 482 Cr.P.C. praying *inter alia* for quashing of FIR No.566/2005 lodged by one Shri Rajesh under Sections 288/304-A IPC, with PS Ashok Vihar, Delhi and all proceedings arising therefrom.

2. Counsel for the petitioner submits that the aforesaid FIR was got registered by the complainant, Shri Rajesh, on 2.9.2005 when the deceased Shri Sanjay, who was a workman in the factory of the

CRL.M.C. 3125/2010

Page 1 of 4

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petitioner at Wazir Pur Industrial Area, received injuries as a wall collapsed in the factory premises on account of a loaded wheel cart colliding into the wall. The deceased was taken to the hospital, but was declared brought dead. It is further stated by the counsel for the petitioner that the respondent No.2 is the wife of the deceased, and the respondents No.3 & 4 are his minor children. Respondent No.2 is getting pension of ₹.2,600/- per month from the Employees State Insurance Corporation. On 11.8.2009, the petitioner voluntarily paid a sum of ₹.50,000/- to the dependents of the deceased, as compensation.

3. After the investigations were completed, a charge sheet has been filed and charges have also been framed.

4. Counsel for the petitioner states that on 9.9.2010, a settlement was arrived at between the parties (Pages 37 to 41). The same is signed by the respondent No.2 and the petitioner. In accordance with the terms and conditions of the settlement, it was agreed by the parties that the petitioner would pay a sum of ₹.1,10,000/- to the respondents No.2 to 4 as compensation. However, counsel for the petitioner volunteers to enhance the aforesaid amount to ₹.1,80,000/-. He hands over the following bankers cheques drawn in favour of the respondents No.2 to 4, to the respondent No.2, who is present in the Court.

Sr. No.	Bankers Cheque No.	Dated	Drawn on	Amount (₹.)	In favour of
1.	663580	19.8.2010	Ind. Est. Wazirpur (Delhi)(Code No.05714)	10,000/-	Poonam Devi
2.	026218	4.10.2010	Innovative Cooperative Urban Bank Ltd., C-2/2, 1 st Floor, Main Road, Wazirpur, Indl. Area, Delhi.	40,000/-	Poonam Devi
3.	025658	19.8.2010	-do-	35,000/-	Satish
4.	026223	4.10.2010	-do-	30,000/-	Satish
5.	025659	19.8.2010	-do-	35,000/-	Sonia
6.	026219	4.10.2010	-do-	30,000/-	Sonia

5. The complainant and the respondent No.2 are present in the Court and identified by the Investigating Officer. The respondent No.2 states that she has no objection to the prayer made in the petition being allowed. The complainant also states that in view of the fact that the widow of the deceased Shri Sanjay has arrived at a settlement with the petitioner of her own free will and volition and without any undue influence or coercion from any quarters, he has no objection to the quashing of the aforesaid FIR.

6. Learned APP for the State, on instruction from the IO, confirms the fact that the widow of the deceased workman Shri Sanjay, has arrived at a settlement with the petitioner. He, therefore, does not oppose the prayer made in the present petition.

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7. Having regard to the peculiar facts and circumstances of the present case and in view of the fact that the parties have arrived at aforesaid settlement of their own free will and volition and without any undue influence or coercion from any quarters, no useful purpose will be served by proceeding further with the aforesaid FIR and the proceedings arising out therefrom.

8. Accordingly, the prayer made in the petition is allowed and the FIR No.566/2005 registered with PS Ashok Vihar, Delhi and all proceedings arising therefrom stand quashed.

9. The petition is disposed of. File be consigned to the record room.



HIMA KOHLI,J

OCTOBER 05, 2010
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