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

Date of Decision: April 22, 2015

+ CRL.M.C. 1621/2015

ROOP CHAND NANDWANI & ANRPetitioners
Through: Mr. Mohan Vidhani & Mr. Ashish
Singh, Advocates

versus

STATE & ANRRespondents
Through: Mr.Praveen Bhati, Additional
Public Prosecutor for respondent-
State with SI Parveen PS Shalimar
Bagh
Mr. Mahir Malhotra, Advocate
with Respondent No.2-in-person

**CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR**

JUDGMENT
(ORAL)

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Quashing of FIR No.8/2013 under Section 287/337 IPC registered at Police Station Shalimar Bagh, Delhi is sought on the basis of affidavit of respondent No.2.

Upon notice, Mr. Praveen Bhati, Additional Public Prosecutor appears on behalf of respondent-State and submits that respondent No.2 present in the Court is the injured of this FIR case, who had sustained

30% permanent disability and further submitted that respondent No.2 is a semi-skilled worker aged about 22 years and due to amputation of fingers of his hand, he has been crippled for life. Respondent No.2 present in the Court submits that petitioner is providing him employment and has enabled him to get pension of ₹2,000 odd from Employees State Insurance Corporation and so the proceedings arising out of this FIR be brought to an end.

During the course of hearing, it was put to petitioner's counsel to take instructions as to whether petitioner is willing to give an undertaking by way of affidavit to the effect that he will continue to provide employment to respondent No.2, who will be unable to obtain employment elsewhere in case he is thrown out of employment after quashing of FIR in question. On instructions, learned counsel for petitioner submits that petitioner can give undertaking to provide employment to respondent No.2 for a period of one year only.

At this stage, learned Additional Public Prosecutor submits that the aforesaid kind of settlement is unfair to respondent No.2 and does not call for quashing of FIR in question as under the Workmen Compensation Act, 1923, Respondent No.2 ought to have been granted compensation of more than ₹3 lac.

In the facts and circumstances of this case, I find that receiving of pension of ₹2,000/- odd from ESI Corporation by respondent No.2 is not sufficient to compensate him for the kind of permanent disability suffered by him. Receiving of paltry pension in the ESI Act instead of getting adequate compensation under the *Workmen Compensation Act* is considered to be inequitable.

In the light of the aforesaid, this Court is not inclined to exercise its inherent extraordinary jurisdiction under Section 482 Cr.P.C. to quash the FIR in question on the strength of afore-kind of unfair settlement.

This petition is dismissed while refraining to comment upon merits of this case, lest it may prejudice petitioner at trial.

(SUNIL GAUR)
JUDGE

APRIL 22, 2015

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