

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

Date of Decision: January 12, 2015

+ **CRL.M.C. 88/2015 & Crl. M.A.No. 383/2015**

MURLIDHAR PANDEY Petitioner
Through: Mr. Narender Bhandari, Advocate

versus

THE STATE (GNCT) & ORS. Respondents
Through: Mr. Parveen Bhati, Additional
Public Prosecutor for respondent
No.1-State with SI Varun Dalal
Mr. Pankaj Walia, Advocate with
respondents No. 2 to 4 in person.

CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR

% **JUDGMENT**
(ORAL)

Quashing of FIR No. 427/2014, under Section 304A of the IPC, registered at police station Sarai Rohilla, Delhi is sought on the basis of affidavit of respondents No. 2 to 4, who are the legal heirs of deceased. The unfortunate incident is of 26th April, 2014 when the deceased had fallen into a manhole which was filled up with the mobil oil in the factory of petitioner/accused.

Notice.

Mr. Parveen Bhati, learned Additional Public Prosecutor for respondent No.1-State accepts notice and Mr. Pankaj Walia, Advocate accepts notice on behalf of respondents No.2 to 4.

Learned Additional Public Prosecutor for respondent No.1-State submits that respondents No.2 to 4 are present in the Court and they have been identified to be the legal heirs of deceased by Mr. Pankaj Walia, Advocate appearing on behalf of respondents No. 2 to 4 and SI Varun Dalal, Investigating Officer of this case. Learned Additional Public Prosecutor for respondent No.1-State submits that investigation in this case is almost complete.

Respondents No.2 to 4, present in the Court, submit that they have reliably learnt that the incident in question was purely accidental and they have been duly compensated by petitioner, who has tendered two demand pay orders in the sum of ₹2,50,000/- each, bearing No. '207756' dated 12th December, 2014 and '207751' dated 1st December, 2014, both drawn on ICICI Bank, Branch Nai Rohtak Road, Delhi. Respondents No. 2 to 4 affirm contents of their affidavits of 15th December, 2014 supporting this petition and submit that since death of deceased was purely accidental, no useful purpose would be served in continuing with the proceedings arising out the FIR in question.

In '*Gian Singh Vs. State of Punjab*' (2012) 10 SCC 303 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.”

In the facts and circumstances of this case and in view of the aforesaid incident being purely accidental and the fact that respondent No.2 has been duly 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 cost of ₹50,000/- to be deposited by petitioner with *the Prime Minister's Relief Fund* within four weeks from today. Upon placing on record the receipt of deposit of cost, FIR No. 427/2014, under Section 304A of the IPC, registered at police station Sarai Rohilla, Delhi and proceedings emanating therefrom shall stand quashed *qua* petitioner.

This petition and application are accordingly disposed of.

(SUNIL GAUR)
JUDGE

JANUARY 12, 2015

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