

\$~4

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

Judgment delivered on: 16th December, 2015

+

CRL.M.C. No.4004/2015

SATISH KUMAR YADAV

..... Petitioner

Represented by: Mr. Rajeev Shukla, Advocate with
petitioner in person.

Versus

STATE (NCT OF DELHI) & ORS.

..... Respondents

Represented by: Mr. Mukesh Kumar, APP for the
State with SI Partap Singh, PS
Uttam Nagar, Delhi in person.
Respondent Nos. 3 & 4 in person.
Respondent No. 8 in person.

CORAM:

HON'BLE MR. JUSTICE SURESH KAIT

SURESH KAIT, J. (Oral)

1. Vide order dated 28.09.2015, this Court passed following order:-

"1. Vide the present petition, petitioner seeks quashing of the FIR No.349/2011 registered at police station Uttam Nagar, Delhi for the offences punishable under Sections 337/304A of the IPC registered on the complaint of respondent No.8.

2. The present petition has been filed on the ground that petitioner has paid an amount of Rs.50,000/- each to respondent Nos.2 as well as respondent Nos.5 to 7, who received injuries in the incident dated 11.08.2011 and amount of Rs.4.00 Lac agreed to be paid to respondent Nos.3 & 4 being wife and father of deceased respectively.

3. On specifically being asked by the Court, learned counsel for respondent Nos.2 to 8 informs that an amount of Rs.3.50 Lac has already been received by respondent Nos.3 & 4 and balance amount of Rs.50,000/- is to be paid today to them.

4. The petitioner stated that he paid an amount of Rs.3.50 Lac to respondent No.8/complainant. The said respondent No.8 stated that he had paid that amount to respondent Nos.3 & 4.

5. This Court specifically queried respondent No.4 (father of deceased), who stated that he has received an amount of Rs.1.00 Lac only and same has been deposited in the bank in the name of his grand children.

6. Respondent No.3/wife of deceased informs that she had received only Rs.20,000/- that too around two years ago from respondent No.8 and thereafter, not a single penny paid to her; whereas learned counsel for petitioner stated that an amount of Rs.3.50 Lac has already been paid to respondent Nos.3 & 4.

7. It is pertinent to mention here that respondent Nos.3 & 4 are illiterate and from lower strata of the society.

8. It establishes that respondent Nos.3 & 4 have not received the said amount of Rs.3.50 Lac and there is a game play of petitioner with respondent No.8, who is informant of the FIR in question. They deliberately made statements before the Court that amount has been paid to wife and father of deceased, whereas the position is otherwise.

9. From the abovesaid conduct of petitioner and respondent No.8, on the face of it, there are sufficient grounds to proceed against them for the Contempt of the Courts Act.

10. Accordingly, a notice is being issued to them under Contempt of Courts Act, and both are directed to file their reply to show cause as to why contempt

proceedings be not initiated against them. Their replies be filed within two weeks.

11. At this stage, the petitioner, who is personally present in the Court, undertakes to bring an amount of Rs. 4 lac on the next date of hearing and accordingly the same will be paid in favour of the respondents no. 3 & 4 as per the directions of this Court. He further submits that the amount paid to respondent no.8 will be recovered from him thereafter.

12. Accordingly, the petitioner is directed to bring an amount of Rs.4.00 Lac on the next date of hearing. Respondent Nos.4 is directed to bring his passbook of the account maintained with bank and copy of FDR vide which the amount was deposited in the name of his grand children.

13. Respondent No.3 is also directed to bring her passbook of account maintained with bank so that amount can be directly transferred in her bank account.”

2. Accordingly, the matter was posted for 05.11.2015. Since, respondent Nos.3 & 4 were not present in the Court, Investigating Officer of the case was directed to produce the duo on next date of hearing, i.e., 01.12.2015.

3. Order dated 05.11.2015 was not complied with. Therefore, SI Partap Singh, Investigating Officer of the case who was personally present in the Court was directed to produce respondent Nos.3 & 4 in the Court.

4. Accordingly, respondent Nos.3 & 4 are personally present in the Court today.

5. As stated by respondent No.4/ father of the deceased that he has

received an amount of Rs.1.00 Lac and the said amount was deposited in the bank account in the name of his grand children. The above named Investigating Officer has verified this fact and found the same to be incorrect.

6. The Investigating Officer stated that the respondent No.8 had handed over two Holiday Membership Plan Certificates of Rose Valley (Hotels and Entertainments Ltd) with the value of Rs.50,000/- and Rs.100/- and the said certificates are to be used when the holder thereof go out of station for holidays; whereas, respondent Nos.3 & 4 are illiterate persons belonging to poor strata of the society, thus, there was no use of such certificates for them. However, in this manner, the petitioner and respondent No.8 tried to cheat the respondent Nos.3 & 4.

7. As verified by the Investigating Officer, no other proof has been furnished by respondent No.4 of receiving the amount. Respondent Nos.3 & 4 had only received an amount of Rs.50,000/- in cash and nothing more than that. As stated by the petitioner that he had paid an amount of Rs.3,50,000/- to respondent No.8/complainant/contractor and latter stated that he had paid that amount to respondent Nos.3 & 4. This fact is *prima facie* found to be incorrect.

8. Pursuant to the order dated 28.09.2015, the petitioner was directed to deposit an amount of Rs.4.00 Lac in the Court, which has been deposited.

9. Accordingly, the Registrar General of this Court is directed to transfer an amount of Rs.2.50 Lac in the name of respondent No.3/ widow of deceased in her account bearing No.19910100008407 with customer ID

No.062573176 maintained at Bank of Baroda vide IFSC Code-BARBO HINROL, MICR Code 843012502.

10. On receipt of the aforesaid amount, the Branch Manager of Bank of Baroda is directed to invest a sum of Rs.75,000/- each in the form of FDR in the names of Archana (daughter) and Sonu (son) of the respondent No.3 for a period of five years. The balance amount of Rs.1,00,000/- shall be invested in the form of FDR for a period of three years in favour of the respondent No.3, who shall be entitled to receive quarterly interest accrued thereon on taking steps by her.

11. The Registrar General of this Court is further directed to transfer an amount of Rs.1,00,000/- in favour of the respondent No.4 Dasahi @ Dashai Ram in the form of FDR for a period of three years in his account bearing No.75412250036083 maintained at Syndicate Bank vide IFSC SYNB0007541 and he shall be entitled to receive the quarterly interest accrued thereon on taking necessary steps.

12. Vide order dated 28.09.2015 the show-cause notice of contempt was issued against the petitioner and respondent No.8, who had filed reply thereto and sought unconditional apology. Their unconditional apology is accepted subject to cost of Rs.25,000/- each. Accordingly, the Registrar General of this Court is directed to transfer the remaining amount of Rs.50,000/- lying with the Registry of this Court equally, i.e., Rs.25,000/- each to be deposited in favour of respondent Nos.3 & 4 in their respective bank accounts noted above.

13. As admitted by the respondent No.8 that he had received an amount of Rs.1,50,000/- from the petitioner and paid cash of Rs.50,000/- to the

respondent Nos.3 and 4, thus, the respondent No.8 shall pay an amount of Rs.1,00,000/- in favour of the petitioner within a period of six months.

14. Vide the present petition, the petitioner seeks quashing of FIR No.349/2011, registered at Police Station Uttam Nagar, Delhi, for the offences punishable under Sections 337/304-A IPC.

15. Keeping in view the settlement arrived at and the compensation paid in favour of the respondent Nos.2 and 3 by the petitioner and as per the directions of this Court, I hereby quash the FIR in question with emanating proceedings therefrom against the petitioner.

16. In view of the above, the petition is disposed of.

17. Accordingly, the Registry of this Court is directed to send copies of this order to the Branch Managers of the concerned Banks mentioned above for compliance.

18. I place on record the appreciation for efforts made by SI Pratap Singh in this case.

**SURESH KAIT
(JUDGE)**

DECEMBER 16, 2015

M/sb