

IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of decision: 24.02.2016

WP(CRL) 617/2016

M/S MASCON

..... Petitioner

Through: Mr Arjun Bobde, Ms Richa Relwan
and Ms Sanyya Pawar, Advocates.

Versus

PARAMILA DEVI AND ANR.

..... Respondents

Through: Mr Srilina Roy, Advocate for
Ms Nandita Rao, Addl. Standing
Counsel (Crl.).

SI Lokendar Tyagi, PS- New Friends
Colony.

CORAM:

HON'BLE MR JUSTICE SIDDHARTH MRIDUL

SIDDHARTH MRIDUL, J (ORAL)

1. The present is a petition under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973 seeking

quashing of FIR No.20/2016 under Sections 288/304A IPC registered at Police Station- New Friends Colony, Delhi.

2. The subject FIR came to be registered on account of the accidental death of one Bachan Dev Manjhi while working at a construction site at D-1032, New Friends Colony, Delhi. The deceased was employed as a Beldar in the petitioner-partnership firm and is stated to have fallen from the second floor of the building. The cause of the death was opined to be blunt force trauma as a result of fall.

3. Counsel appearing on behalf the petitioner states that without prejudice to their rights and contentions that they are not named in the subject FIR and the present is not a case where any negligence has been alleged against them, they approached Paramila Devi, the widow of the deceased Bachan Dev Manjhi so as to provide succour to the bereaved family in their time of need. The deceased Bachan Dev Manjhi is survived by his aged father and mother as well as his widow and four minor children.

4. The petitioner on the one hand and the legal heirs of the deceased on the other have entered into an amicable settlement which will enure to the benefit of the legal heirs of the deceased. The compensation received by the legal heirs of the deceased finds mention in the affidavits filed on behalf of

Paramila Devi, the widow of the deceased, Mahesh Manjhi, the father of the deceased and Runa Devi, the mother of the deceased. The said deponents who are present in court today and have been identified by the IO in the subject FIR state that they have received a sum of Rs.2 lakh as compensation from the petitioner.

5. There is no gainsaying the circumstance that the deceased did not belong to an affluent section of society. Further it is an admitted position that the deceased was the sole breadwinner in the family. The compensation, so to speak, is like manna from heaven for the family of deceased in their hour of need and offers them sustenance.

6. In view of the foregoing, in order to obviate the necessity for the family of the deceased to institute and prosecute a long drawn-out proceeding to receive just compensation and in terms of the compensation agreement entered into between the petitioner on the one hand and the legal heirs of the deceased on the other, in my view it would be just and proper to give this court's imprimatur to the compensation settlement.

7. Resultantly, the FIR No.20/2016 under Sections 288/304A IPC registered at Police Station- New Friends Colony, Delhi is hereby set aside and quashed qua the petitioner subject to their paying a further sum of

Rupees one lakh to Paramila Devi, the widow of the deceased Bachan Dev Manjhi, during the course of the week. A copy of the receipt thereof shall be provided to the IO in the subject FIR.

8. With the above directions the writ petition is allowed and disposed of accordingly.

SIDDHARTH MRIDUL, J

FEBRUARY 24, 2016

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