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

+ **CRL.M.C. 2162/2016**

SACHIN AGGARWAL & ANR

..... Petitioners

Represented by: Mr. M.K. Dwivedi, Advocate
with petitioners in person.

versus

THE STATE (GOVT OF NCT OF DELHI) & ORS..... Respondents

Represented by: Ms. Meenakshi Chauhan, APP
for the State with ASI Kanshi
Ram and ASI Hukum Singh,
PS GTB Enclave.
Mr. Bhupendra K. Tyagi,
Advocate for respondent Nos.2
and 3 with respondent Nos. 2
and 3 in person.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

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25.10.2016

Crl. M.A. No. 9163/2016 (Delay)

For the reasons stated in the application delay of 20 days in filing the petition is condoned.

Application is disposed of.

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By the present petition the petitioners seek quashing of FIR No. 433/2015 under Sections 287/304A IPC registered at PS G.T.B. Enclave, Delhi on the complaint of H.C. Bharat Singh informing that one Deepak s/o

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Hari Singh was admitted to ESI Hospital, Jhilmil Colony due to injuries.

On investigation it was revealed that due to fall of heavy load over the head of Deepak at workplace, he received injuries due to which he died on the same day, that is, 15th June, 2015 at 8.10 PM.

The petitioners are the two partners of the firm M/s Prime Creations in whose factory the deceased was working.

Learned APP for the State on instructions submits that though the petitioners were arrayed as accused during investigation however, charge sheet was only filed against the petitioner No.1 keeping him in Column No.11. Learned APP on instructions further states that the deceased Deepak was not married and thus the respondent No.3, the mother is the only class-I legal heir of the deceased.

Learned counsel for the petitioners submits that besides the pension receivable by the respondent Nos. 2 and 3 who are the parents of the deceased Deepak from the ESI, the parties have also entered into a settlement and in terms of the settlement the petitioners have agreed to pay a sum of ₹4 lakhs out of which ₹1 lakhs has already been paid to them and the balance sum of ₹3.00 lakhs has been paid today vide Demand Draft Nos.651120 and 651121 dated 24th October, 2016 drawn on the Karnataka Bank Ltd., Vikaspuri, New Delhi for a sum of ₹1.50 laksh each in the name of respondent Nos. 3 and 2 respectively.

The Respondent Nos. 2 and 3 are present in Court and are identified by the learned counsel and the Investigating Officer. They state that they have settled the matter with the petitioners and in terms thereof they have already received a sum of ₹1 lakh and the balance amount of ₹3 lakhs has

been received by them by two demand drafts as mentioned above. They further state that they do not want to pursue the abovementioned FIR and the proceedings pursuant thereto.

Petitioners who are present in Court and are identified by the learned counsel affirm the statement of respondent Nos.2 and 3.

Since the parties have already settled the matter of their own free will, volition and without any coercion no useful purpose will be served in continuance of the trial. There is no legal impediment in quashing the FIR in question.

Consequently, FIR No. 433/2015 under Sections 287/304A IPC registered at PS G.T.B. Enclave, Delhi and proceedings pursuant thereto are hereby quashed.

Parties have signed this order sheet in acknowledgment of their statements made before this Court.

The petition is disposed of. Order dasti.

MUKTA GUPTA, J.

OCTOBER 25, 2016

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