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

+ W.P.(CRL) 1855/2016 and Crl. M.A. Nos.9612-613/2016

SHANKER LAL JANGIR

..... Petitioner

Through: Ms. Rajshri Sharma, Advocate along
with petitioner in person.

versus

STATE (GOVT OF NCT OF DELHI) & ANR

..... Respondents

Through: Mr. Sanjay Lao, ASC and
Mr.Siddarth Sindhu, Advocate for the
State.
Mr. Mahesh Kumar Saroha, Advocate
for and along with respondent No.2 in
person.

CORAM:
HON'BLE MR. JUSTICE VIPIN SANGHI

ORDER
28.07.2016

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Issue notice. Mr. Lao appears on behalf of the State. Notice is accepted by respondent No.2, who is present in Court with his counsel. Learned counsel for the respondent No.2 identifies respondent No.2.

This petition has been filed to seek quashing of FIR No.183/2013 dated 03.05.2013 registered at Police Station – Sarai Rohilla under Section 287/ 337 IPC on the complaint of respondent No.2. Respondent No.2 was working in the factory of the accused petitioner. He suffered injury on

account of the alleged slippage of the iron plate from the chain which fell down on the legs of the complainant and he sustained injuries. In the complaint, the complainant claimed that the incident took place due to chain being old & used and that he had informed the owner that the chain could fell down any moment. However, the owner Shanker did not heed to that advice and did not get the chain changed which led to the accident.

The parties have arrived at a settlement on 17.02.2016. The charge-sheet stood filed and the trial is pending before the Trial Court. At that stage, the settlement has been reached between the petitioner and the complainant. Under the settlement, the petitioner agreed to make payment of Rs.4,25,000/- to the complainant. Out of the said amount, Rs.2,10,000/- already stands paid on 17.02.2016. The petitioner has produced the remaining amount of Rs.2,15,000/- in the form of pay orders which have been tendered to the complainant/ respondent No.2.

The submission of learned counsel for the petitioner is that the petitioner has a good defence in the proceedings. The petitioner claims that the chain had been replaced about 2 months before the accident. According to the petitioner, the complainant suffered injuries on account of his own negligence while working in the factory and that the petitioner had no culpability or contribution to result in the occurrence of the accident.

At this stage, it is still not very clear as to whether, or not, the accused acted with gross negligence which resulted in the accident.

Keeping in view the guidelines laid down by the Supreme Court in *Gian Singh Vs. State of Punjab* (2012) 10 SCC 303; and *Narinder Singh and Ors. Vs. State of Punjab and Anr.* 2014(2) Crimes 27(SC), I am of the opinion that the present is a fit case for quashing of the FIR since the

petitioner and the complainant have arrived at a settlement and though the nature of injuries was found to be grievous, the respondent No.2/complainant has recovered.

The settlement had been arrived on 17.02.2016. However, the balance amount is being paid only today. The petitioner has, therefore, agreed to make further payment of Rs.10,000/- to the complainant, which has been tendered in cash to the complainant in Court.

In my view, no useful purpose would be served in keeping the aforesaid FIR pending any further. Accordingly, subject to deposit of costs of Rs.20,000/- into the Prime Minister's National Relief Fund within two weeks, the FIR in question shall stand quashed. The receipt of costs be deposited with the concerned Investigating Officer within two weeks.

VIPIN SANGHI, J

JULY 28, 2016

B.S. Rohella