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

+ **CRL.M.C. 1826/2016**

ALI HASSAN & ANR. Petitioners

Represented by: **Mr. Arun Sharma, Advocate.**

versus

STATE & ORS. Respondents

Represented by: **Mr. Hirein Sharma, APP for the State
with SI Pradeep Kumar, PS Preet
Vihar.**

Mr. Ompal Singh, Adv. for R-3 to 8.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

24.10.2016

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1. By the present petition, the petitioners seek quashing of FIR No.230/2013 under Sections 288/304-A IPC and the proceedings pursuant thereto registered at PS Preet Vihar, Delhi on the ground that the petitioners have settled the matter with the legal heirs of the deceased Rakesh Singh.

2. Though the above noted FIR was registered on the complaint of SI Anand Pratap; however, the victims are respondent Nos.3, 5 to 8, who are the class I legal heirs of the deceased Rakesh Singh being his wife, mother and three minor children.

3. The petitioner No.1 is the contractor and petitioner No.2 is the owner of the site where the construction work was going on where Rakesh Singh fell down from a height and lost his life.

4. Learned APP for the State, on instructions from Investigating Officer, submits that in the above noted FIR, two petitioners are the only accused

and respondent Nos.3, 5 to 8 are the only legal heirs of the deceased Rakesh Singh.

5. Respondent Nos.3 on her behalf and as guardian of respondent Nos.6 to 8 and respondent No.5, who are present in court, state that in terms of the settlement, they have received a sum of ₹7 lacs. Out of the said amount of ₹7 lacs, a sum of ₹1,50,000/- was paid in cash and the balance amount of ₹5,50,000/- has been deposited in five FDRs for a sum of ₹2 lacs in the name of Santosh, wife of the deceased, ₹50,000/- in the name of Hardai, mother of the deceased and ₹1 lac each in the name of three minor children of the deceased being Baby Malshri, Master Inderpal and Master Brijesh respectively.

6. Respondent No.3, Santosh, on her behalf and on behalf of three minor children, that is, respondent Nos.6 to 8 and Hardai, respondent No.5, who are present in court and are identified by the Investigating Officer, state that they have settled the matter and in terms of the settlement arrived at between the parties, they do not wish to pursue the abovementioned FIR and the proceedings pursuant thereto.

7. The petitioners who are present in court and are identified by the learned counsel affirm the statement of respondent Nos.3 and 5.

8. In view of the fact that the parties have amicably resolved their differences of their own free will, volition and without any coercion and no useful purpose will be served in continuance of the proceedings, it would be in the interest of justice to quash the abovementioned FIR and the proceedings pursuant thereto. There is no legal impediment in quashing the FIR in question.

9. Consequently, FIR No.230/2013 under Sections 288/304-A IPC registered at PS Preet Vihar, Delhi and proceedings pursuant thereto are hereby quashed.
10. Parties have signed this order sheet in acknowledgment of their statements made before this Court.
11. The petition is disposed of. Order dasti.

MUKTA GUPTA, J.

OCTOBER 24, 2016
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