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

+ W.P.(CRL) 1797/2016

KULDEEP TYAGI

..... Petitioner

Through :Mr. Jitender Tyagi, Ms. Ananya Roy
and Mr. Sahil Chaudhary, Advs.

versus

STATE OF NCT DELHI & ORS

..... Respondents

Through :Mr. Ashish Agarwal, ASC with Mr.
Piyush Singhal, Adv. with SI
Randheer Kumar, P.s. Fatehpuri Bari

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

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12.08.2016

Respondent no. 2 is brother and respondent no. 3 is the mother of deceased Shan Mohammad, who as per the FIR, died at the godown of petitioner due to electrocution.

Learned counsel for the petitioner submits that deceased was working as a labourer, at the godown of petitioner. He was washing his clothes in a vacant plot adjoining to godown along with other workers, from the water drawn through a water pump and died due to electrocution due to his own fault. Despite this petitioner has paid ₹2,50,000/- to the respondent nos. 2 and 3, pursuant to the compromise entered into between them. He has

prayed for quashing of FIR. In his statement under Section 161 Cr.P.C., Mohd. Sattar, co-worker, has stated that on 3rd April, 2016 at about 7:30 AM he was washing clothes in a vacant plot, adjoining to godown, after switching on the water pump. Deceased was also washing his clothes there. All of a sudden, the plastic pipe of the motor got detached and deceased started fixing the pipe with the motor while it was on and in the process he got electrocuted. Similar is the statements of other co-workers, namely, Shri Ishlam and Shri Balram. They have deposed that they were present at the spot and the deceased was electrocuted while connecting the pipe with the water pump.

Be that as it may, petitioner has compensated the respondent nos. 2 and 3 by paying ₹2,50,000/-, receipt whereof has been admitted by the respondent nos. 2 and 3 present in the Court they submitted that they have no objection in case FIR is quashed. Learned Additional Standing Counsel has also not opposed quashing of FIR.

It is noted that investigation is still pending.

Keeping in mind the compromise and the above facts, which prima facie, do not disclose gross negligence of petitioner, I am of the opinion that FIR can be quashed in view of the settlement arrived at between the parties.

Accordingly, FIR No. 205/2016 under Sections 288/304-A IPC registered at Police Station Fatehpur Beri Delhi is quashed.

Writ petition is disposed of in the above terms. Dasti.

A.K. PATHAK, J.

AUGUST 12, 2016/rb