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

+ **CRL.M.C. 2558/2016**

MANU GUPTA & ANR

..... Petitioners

Represented by: Mr. Jagdeep Kumar Sharma,
Adv. with petitioners.

versus

STATE & ORS

..... Respondent

Represented by: Mr. Ashok Kumar Garg, APP
with ASI Phool Kanwar, PS
Mundka.
Mr. Anirudh Mehrotra, Adv.
for R-2 to 4 with R-2 to 4.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

05.10.2016

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1. By the present petition, the petitioners seek quashing of FIR No.51/2014 under Sections 285/304A IPC registered at PS Mundka on the ground that parties have settled the matter.

2. The above noted FIR was registered on the complaint of ASI Phool Kanwar when fire broke out in PVC warehouse near Metro Pillar No.501, Mundka. Though fire brigade rushed to control the fire however one Baleshwar who was working in the said warehouse died due to burns. Respondent Nos. 3 and 4 are legal heirs of deceased Baleshwar being his mother and wife and respondent No.2 is father of deceased Baleshwar.

3. On a petition filed under the Workmen Compensation Act, compensation of ₹7.5 lakhs was awarded which as per the directions of this *CRL.M.C. 2558/2016*

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Court was kept in the Fixed Deposit Receipt. The petitioners over and above the fixed deposit receipt of ₹7.5 lakhs which on maturity became ₹7,54,915/- have paid a sum of ₹1.30 lakhs in cash to respondent Nos. 2 and 3 to settle the matter. As per the order of Commissioner, Employees Compensation, out of ₹7,54,915/-, ₹3,01,966/- was to be paid to respondent No.4 the wife of deceased Baleshwar, ₹2,26,475/- each was to be paid to respondent No.2 Ramdass, father of deceased Baleshwar and respondent No.3 Subhawati, mother of deceased Baleshwar. Out of the aforesaid compensation amount payable to respective parties, Fixed Deposit Receipts of ₹1 lakh, ₹1 lakh and ₹2 lakhs were prepared in the names of respondent Nos. 2, 3 and 4 respectively and respective balance amounts were transferred in their saving bank accounts.

4. Respondent Nos. 2 to 4 who are present in Court and identified by learned counsel and the investigating officer admit having receipt of aforesaid amount. Further out of the amount of ₹1.30 lakhs given as compensation by the petitioners to respondent No.2, ₹80,000/- has been paid to Smt. Indirawati, respondent No.4 and ₹50,000/- to Smt. Subhawati respondent No.3 who admit receipt of the aforesaid amount. Respondent Nos. 2 to 4 state that they do not wish to pursue the above noted FIR and the proceedings pursuant thereto.

5. In view of the fact that the parties have amicably resolved their differences of their own free will, volition, 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

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FIR in question.

6. Consequently, FIR No.51/2014 under Sections 285/304A IPC registered at PS Mundka, Delhi and proceedings pursuant thereto are hereby quashed.

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

8. The petition is disposed of. Order dasti.

MUKTA GUPTA, J.

OCTOBER 05, 2016
‘v mittal’