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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(CRL) 1984/2016**
HARSH BHALLA & ANR Petitioners
Through Mr. Ravinder Kumar with Mr. Brahm
Singh, Advocate

versus

THE STATE (NCT OF DELHI) & ORS Respondents
Through Mr. Jamal Akhtar, ASC for State

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

% **25.07.2016**

Petitioner No. 2 is the owner of Plot bearing Khasra No. 84/25, Gali No.2, Mundaka Industrial Area, Delhi. She had engaged M/s. HBS Construction as a contractor, for raising construction on the said plot. The petitioner No.1 is the Director of HBS Construction.

Husband of respondent No.3 was working at construction site as a labourer. Respondent Nos. 4 and 5 are minor children of respondent No. 3. Husband of respondent No.3, namely Shri Janki, was working at the construction site on 01.05.2016 with other workers including complainant (respondent No.2). A vibrator machine was being used by the workers for filling the columns. All of a sudden, the wires of the machine was cut resulting in electrocution of the deceased. The incident resulted in the registration of present FIR No.0212/2016 under Sections 287/304A IPC at Police Station Mundaka, Delhi.

Investigations are still underway. During the investigation, petitioners and respondent No. 3 for herself and on behalf of her children, i.e.

respondent Nos. 4 and 5, have settled the matter, on the terms and conditions as stipulated in the Memorandum of Understanding dated 26.05.2016. In terms of settlement, petitioner has compensated the respondent Nos. 3 to 5 by paying Rs.5 lacs. Respondent No. 2 admits having received Rs. 2.5 lacs. As regards remaining amount of Rs. 2.5 lacs is concerned, the petitioner has made FDRs of Rs. 1.25 lacs each in the name of respondent Nos. 4 and 5. Photocopy of FDRs of Axis Bank have been placed on record and originals have been handed over to respondent no.3. Manager, Axis Bank shall redraw the FDRs in the name of respondent nos. 4 and 5, till they attain majority, with a stipulation that interest accrued thereon be paid periodically. Respondent No.3 will be entitled to receive periodical interest so accrued

In view of the settlement, private respondents have no objection in case FIR is quashed.

Keeping in mind the totality of the circumstances and more particularly, the fact that the petitioner has compensated the respondent Nos. 3 to 5, FIR No.0212/2016 under Sections 287/304A IPC registered at Police Station Mundaka, Delhi, is quashed.

The petition is disposed of.

Dasti.

A.K. PATHAK, J

JULY 25, 2016

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