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

+ **CRL.M.C. 3019/2016**

ASHWANI KUMAR GUPTA

..... Petitioner

Represented by: Mr. Vikas Walia, Advocate
with petitioner in person.

versus

STATE (NCT OF DELHI) & ANR.

..... Respondents

Represented by: Mr. Ashok K. Garg, APP for
the State with SI Jagdeep, PS
Swaroop Nagar.
Mr. Rajender Pratap and Mr.
Atul Mishra, Advocates for
respondent No.2 with
respondent No.2 and mother of
respondent No.2 in person.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

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23.08.2016

Crl. M.A. No. 12991/2016 (Exemption)

Allowed, subject to all just exceptions.

CRL.M.C. 3019/2016

By the present petition the petitioner seek quashing of FIR No. 139/2014 under Sections 287/338 IPC and Section 26 of the Juvenile Justice (Care and Protection of Children) Act, 2000 registered at PS Swaroop Nagar, Delhi on the complaint of Respondent No.2 Anil Kumar, the minor victim on the ground that the parties have settled the matter.

Learned APP for the State on instructions from the Investigating

CRL.M.C. 3019/2016

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Officer submits that besides the petitioner mentioned in the memo of parties, there is no other accused and the respondent No.2 is the only victim/complainant in the present FIR.

The above noted FIR was registered on the complaint of respondent No.2 who is minor and is present in Court along with his guardian. Both of them are identified by the learned counsel and the Investigating Officer. As per the FIR the allegations against the petitioner are that while working in the factory on a machine of making designs of iron, the respondent No.2 suffered a grievous injury on his right hand. The matter was taken up by the Child Welfare Committee which awarded Rs.1,08,086/- as difference of wages and Rs. 1 lakh as compensation to the respondent No.2. Copy of the receipt of the said compensation is on record at pages 44 of the paper book. To settle the present dispute the petitioner has offered to pay a further sum of Rs.1 lakh as compensation to the respondent No.2, who through his mother has agreed to settle the matter.

The respondent No.2 and Smt. Sunaina Devi, the mother of respondent No.2 are both present in Court. In view of the settlement arrived at between the parties before the Delhi Mediation Centre, Rohini District, copy whereof is annexed at Pages 49 to 50 of the paper-book the respondent No.2 has already received a sum of Rs.1,08,086/- and a further amount of Rs 1 lakh by Demand Draft No.008121 dated 22nd August, 2016 drawn on Axis Bank Ltd., Azadpur, Delhi today in Court. In view thereof the respondent No.2 and his guardian, the mother do not want to pursue the abovementioned FIR and the proceedings pursuant thereto.

Petitioner, who is present in Court and is identified by the counsel state that he will abide by the terms of the settlement.

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, rather the same would create further acrimony between them, 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.

Consequently, FIR No. 139/2014 under Sections 287/338 IPC and Section 26 of the Juvenile Justice (Care and Protection of Children) Act, 2000 registered at PS Swaroop Nagar, Delhi and proceedings pursuant thereto are hereby quashed.

Petitioner has signed this order sheet whereas the mother of the respondent No.2 Smt. Sunaina Devi has thumb marked the order sheet in acknowledgment of their statements made before this Court.

The petition is disposed of. Order dasti.

MUKTA GUPTA, J.

AUGUST 23, 2016
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