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

+ **W.P.(CRL) 2452/2016**

ALI MOHAMMAD

..... Petitioner

Through:

versus

STATE & ORS.

..... Respondents

Through: Ms. Richa Kapoor & Ms. Seema,
Advocates along with SI Jeetendra
Kumar, PS-Jamia Nagar, for the
State.

Respondents No.2 & 3 in person.

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

ORDER

23.08.2016

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Issue notice. Ms. Kapoor appears for the State. Respondents No.2 & 3 are present in person. They have produced their electoral identity cards as proof of their identity.

This petition has been preferred to seek quashing of FIR No.769/2016 registered under Section 288/ 337 /304A IPC at Police Station – Jamia Nagar and the proceeding arising therefrom. The petition is premised on a settlement arrived at between the petitioner/ accused and the respondents No.2 & 3, who are the parents of the deceased. The deceased Ashu was

unmarried and his parents are his heirs. The parties have arrived at a compromise, whereunder the petitioner agreed to make payment of Rs.3 Lakhs as compensation to respondents No.2 & 3. Out of the said amount, respondents No.2 & 3 have already received Rs.1.5 Lakhs and the remaining amount of Rs.1.5 Lakhs has been tendered in Court in cash, which has been accepted by respondents No.2 & 3.

Respondents No.2 & 3 state that they have arrived at the settlement out of their own free will and without any undue pressure or coercion. They also pray that the FIR in question be quashed since they do not wish to pursue their complaint any further.

The case involves accidental death of a young person aged about 18 years. He was working under the petitioner/ contractor on the construction site when he got electrocuted on account of alleged negligence of the petitioner. In these circumstances, since respondents No.2 & 3, the parents of the deceased have compromised their disputes with the petitioner, no useful purpose would be served in keeping the aforesaid FIR and the proceeding arising therefrom pending any further. However, considering the fact that the petitioner is alleged to be guilty of negligence resulting in death of a young person, the FIR is quashed subject to deposit of costs of Rs.25,000/- in the Prime Minister's National Relief Fund. The receipt of deposit of costs be provided to the Investigating Officer (IO), whereafter the case shall be closed.

VIPIN SANGHI, J

AUGUST 23, 2016

B.S. Rohella