

\$~13

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

+ W.P.(CRL) 3258/2016

J K KWATRA @ JOGINDER KWATRA Petitioner
Through :Mr. Rohit Bhargava and Mr.
Ashwani Saxena, Advs.

versus

STATE & ORS. Respondents
Through : Mr. Ashish Aggarwal, ASC with SI
Dheer Singh, P.S. Mayur Vihar for
the State/respondent no. 1
Respondent nos. 2 to 7 in person.

CORAM:
HON'BLE MR. JUSTICE A.K. PATHAK

ORDER
% **20.12.2016**

Respondent no. 3 is wife of the deceased. Respondent nos. 4 and 5 are children of respondent no. 3. Respondent nos. 6 and 7 are parents of deceased Sanjay Ray. FIR No. 230/2016 under Sections 288/304-A IPC was registered at Police Station Mayur Vihar Phase – I, Delhi against the petitioner, on the complaint of respondent no. 2. In the FIR, respondent no. 2 alleged that the deceased was working as a labourer at the construction site of Mother Mary School, Chilla Village, Mayur Vihar, Delhi. He was working at the 5th floor. Work was being done under the supervision of the

petitioner. Deceased fell down from the 5th floor and sustained fatal injuries to which he succumbed before he reached the hospital. Deceased fell down since the petitioner had not given ropes and other safety articles to him.

It is submitted that petitioner and respondent nos. 2 to 7 have settled the matter amicably. Petitioner has compensated the respondent nos. 3 to 5, that is, widow and children of the deceased. It is further submitted that respondent nos. 6 and 7 have desired that entire amount may be paid to respondent nos. 3 to 5. Respondent nos. 2 to 7 are present in Court and submit that they have settled the matter with the petitioner of their own free will and without any undue force, pressure and coercion. Respondent no. 3 admits having received ₹6 lacs, besides two FDRs of ₹1 lac each in the names of respondent nos. 4 and 5. She submits that she has received ₹4.5 lacs by way of cheque, which has been encashed, ₹1 lac by way of demand draft and ₹50,000/- in cash. She further submits the FDRs of ₹1 lac each in the name of children have also been received by her. Respondent nos. 2 to 7 submit that FIR may be quashed.

Keeping in mind that parties have settled their disputes, inasmuch as petitioner has compensated the respondent nos. 3 to 5 suitably; and respondent nos. 2 to 7 do not wish to pursue the matter any further, FIR No.

230/2016 under Sections 288/304-A IPC registered at Police Station Mayur
Vihar Phase – I, which is at the investigation stage, is quashed.

Petition is disposed of in the above terms. Dasti.

A.K. PATHAK, J.

DECEMBER 20, 2016
rb