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

+ **W.P.(CRL) 3639/2016**

ISRAR

..... Petitioner

Through: Mr. Ankur Gupta, Advocate along
with petitioner in person.

versus

STATE & ANR

..... Respondents

Through: Mr. Sanjay Lao, ASC and
Mr.Siddarth Sindhu, Advocate along
with SI Randhir Singh, PS-Nabi
Karim for the State.
Mr. Lokesh Kumar Rai, Advocate for
and along with respondents No.2 & 3
in person.

CORAM:
HON'BLE MR. JUSTICE VIPIN SANGHI

ORDER
21.12.2016

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Crl.M.A. No. 19881/2016

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

W.P.(CRL) 3639/2016

Issue notice. Mr. Lao accepts notice on behalf of the State.
Respondents No.2 & 3 are also present in person. They are represented

through counsel. They are identified by the I.O. as well.

The petitioner has preferred the present writ petition to seek quashing of FIR No.232/2016 dated 26.10.2016 under Section 288/ 338 IPC registered at PS-Nabi Karim, Delhi. Section 304A has also been added in the present case since the deceased has succumbed to his injuries.

The petitioner is the contractor, who had engaged labour to carry out civil works at a work site. One of the labours, Rajesh while working at the work site of the petitioner, fell from a height and succumbed to his injuries subsequently. Consequently, the aforesaid FIR came to be registered on the complaint of respondent No.2. Respondent No.3 is the father of the deceased.

The petition is premised on a compromise arrived at between the petitioner and the respondent No.3, the father of the deceased. Under the settlement, the petitioner had agreed to make payment of Rs.5 Lakhs to respondent No.3. Out of the said amount, respondent No.3 has already received Rupees One Lakh. The remaining amount of Rs. 4 Lakhs is payable today, which has been brought by the petitioner by way of pay orders, copies whereof have been placed on record. The said pay orders have been delivered to respondent No.3.

The case involves death of a young person working as a labour at the work site of the petitioner. Evidently, no safety measures were taken by the petitioner being the contractor/ employer for safety of his workmen, which led to the accident.

In my view, the compensation agreed to is miniscule when compared with the fact that a young life has been lost. Respondent No.3 appears to be

an illiterate person since he has affixed his thumb impression and is unmindful of his rights and the rights of his family. In these circumstances, since I was not inclined to quash the FIR in view of the miniscule compensation, the petitioner has agreed to make payment of a further amount of Rupees 2 Lakhs to respondent No.3.

In view of the aforesaid, the FIR and the proceedings arising therefrom are quashed, subject to further payment of Rupees 2 Lakhs by the petitioner to respondent No.3 by pay orders. The said amount be paid by the petitioner to the respondent No.3 within two months in the presence of the I.O. through pay order. Only thereafter, the FIR shall be cancelled.

VIPIN SANGHI, J

DECEMBER 21, 2016

B.S. Rohella