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

+ **CRL.M.C. 200/2017**

VARUN KUMAR & ORS.

..... Petitioners

Represented by: Mr. Manish Srivastava,
Advocate with petitioners in
person.

versus

STATE (NCT OF DELHI) & ORS.

..... Respondents

Represented by: Mr. Ashok K. Garg, APP for
the State with ASI D.K.Tyagi,
PS Sonia Vihar.
Respondent Nos. 3 and 4 in
person.
Mr. Pankaj Sharma, Advocate
for performa respondent
No.5/BSES Yamuna Power
Ltd.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

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17.01.2017

Crl. M.A. No. 897/2017 (Exemption)

Allowed, subject to all just exceptions.

CRL.M.C. 200/2017

By the present petition, the petitioners, who are the officers of BSES Yamuna Power Ltd./performa respondent No.5 in the present petition seek quashing of FIR No.93/2012 under Sections 285/337 IPC registered at PS

CRL.M.C. 200/2017

Page 1 of 3

Sonia Vihar, Delhi on the complaint of Respondent No.4 and the proceedings pursuant thereto on the ground that the parties have settled the matter.

Learned APP for the State on instructions from the Investigating Officer submits that the above noted FIR was registered when a six years old minor/respondent No. 2 suffered electrocution. Learned APP further submits that besides the three petitioners, no other person has been arrayed as an accused during investigation and the respondent No. 2 is the only victim.

The parties, that is, the three petitioners, respondent Nos. 3 and 4 father and mother of the minor child Garima/respondent No.2 and respondent No.5 BSES Yamuna Power Ltd. were referred to the Delhi High Court Mediation and Conciliation Centre wherein a settlement was arrived at between the parties on 5th December, 2016.

Respondent Nos. 3 and 4, that is, Shyam Bahadur and Ms. Geeta Devi, are present in Court and are identified by the Investigating Officer. They state that due to electrocution the minor child suffered injuries on her head, face and other body parts. They are getting her treated and now injuries remain on the head portion. They state that on behalf of respondent No.2/the minor girl, they have settled the matter with the petitioners and the respondent No.5. In terms of the settlement the respondent No.5/ BSES Yamuna Power Ltd. has agreed to pay a sum of ₹4.25 considering the medical expenses made by the respondent Nos. 3 and 4 and required to be made on the treatment of respondent No.2 and the compensation, which has been received by them today in Court by way of Cheque bearing No.

869985 dated 24th November, 2016 drawn on Axis Bank, Swasthya Vihar, New Delhi. They further state that they do not want to pursue the abovementioned FIR and the proceedings pursuant thereto.

Petitioners who is present in Court and are identified by the learned counsel affirm the statement of respondent Nos. 3 and 4 and state that the cheque handed over to respondent Nos. 3 and 4 will be honoured on presentation.

Since the parties have settled the matter, the money received would be utilised in the proper treatment of the respondent No.2 and there is no legal impediment in quashing of the FIR rather the continuance of the same would be an abuse of the process of the Court, it would be in the interest of justice to quash the abovementioned FIR and the proceedings pursuant thereto.

Consequently, FIR No.93/2012 under Sections 285/337 IPC registered at PS Sonia Vihar, Delhi and proceedings pursuant thereto are hereby quashed.

Parties have signed this order sheet in acknowledgment of their statements made before this Court.

The petition is disposed of. Order dasti.

MUKTA GUPTA, J.

JANUARY 17, 2017/‘vn’