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

+ **W.P.(CRL) 526/2017**

PRADEEP @ CHAND KIRAN & ANR. Petitioners

Through: Mr. Rizwan Ahmed Khan, Adv.

versus

STATE & ORS. Respondents

Through: Ms. Srilina Roy, Adv. for Ms. Nandita Rao, ASC for the State along with ASI Balbir Singh, P.S. Patel Nagar.

Respondent nos. 2 to 5 are present in Court.

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

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21.02.2017

Respondent no. 5 is brother of the deceased-Ramesh Mandal on whose complaint, present FIR No. 473/2015 under Section 304A IPC was registered at police station Patel Nagar. Respondent no. 2 is the wife; whereas respondent nos. 3 and 4 are the parents of deceased. Respondent no.5 has alleged in the FIR that his younger brother Ramesh Mandal was working with the petitioner no.1 as a Helper. Petitioner no.2, who is the brother of petitioner no.1, was also working with the petitioner no.1. On 17th June, 2015 petitioner no.1, deceased and respondent no. 5 had gone to repair an electricity pole near Gurudwara, Baljeet Nagar. Even though the deceased was not having any experience of electric works, however,

petitioner no.1 asked him to climb on the pole for rectifying the defect. Electricity supply was also not disconnected. Accordingly, while working on the pole deceased-Ramesh Mandal got electrocuted. Respondent no. 5 was also working as a line man and was present at the spot.

It is submitted that petitioners and respondent nos. 2 to 5 have settled the matter vide Settlement Agreement dated 1st September, 2016. Respondent nos. 2 to 5 are present in Court and submit that they have settled the matter of their own free will and without any undue force, pressure or coercion. Respondent nos. 3 to 5 submit that they are not interested in receiving the compensation in terms of the settlement. It is submitted that entire compensation has been paid to the respondent no.2, wife of the deceased, who is having four minor children. Respondent no.2 has received the compensation for her and on behalf of her children as well being their natural guardian. Respondent no.2 submits that she has already received the entire settled amount, i.e, ₹6 lacs which was given by the petitioners through cheque for ₹5 lacs and ₹1 lac cash. ASI Balbir Singh of police station Patel Nagar is present in Court and has identified the respondent nos. 2 to 5. Status report has been filed. Letter received from PNB is also annexed whereby it has been confirmed that cheque for ₹5 lacs has already been

credited in the account of Smt. Fula Devi (respondent no.2). Respondent nos. 2 to 5 submit that in view of the settlement they are not interested in pursuing the FIR any further and the same may be quashed.

In view of the settlement arrived at between the parties voluntarily, inasmuch as, respondent nos. 2 to 5 have no objection in quashing of the FIR, in the interest of justice, FIR No. 473/2015 under Section 304A IPC registered at police station Patel Nagar, which is at the investigation stage, is quashed.

Writ petition is disposed of in the above terms.

A.K. PATHAK, J.

FEBRUARY 21, 2017

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