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

+ W.P.(CRL) 687/2017 & CrI. M.A. No.3733/2017

GAUTAM KAPOOR Petitioner

Through: Mr. Sanjiv Sharma, Adv.

versus

STATE (NCT OF DELHI) & ORS Respondent

Through: Mr. Rajesh Mahajan, ASC with Mr.
Peeyush Bhatia, Adv for State with
SI Kishor Prasad, PS Greater Kailash
Mr. Rahul Verma, Adv for
respondents

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

ORDER

06.03.2017

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Issue notice. Notice is accepted on behalf of the State. Counsel for respondent nos.2 to 5 also accepts notice. Respondent nos.2 to 5 are present in court and they are identified by the IO.

The petitioner has preferred the present writ petition to seek the quashing of FIR 24/2017 registered u/s 288/337/304A IPC and the proceedings arising therefrom. The petition is premised on a settlement arrived at between the petitioner on the one hand and respondent nos.2 to 4.

The submission of counsel for the petitioner is that the accident took place while the deceased was carrying out the job of painting the house of the petitioner. Counsel for the petitioner submits that the petitioner had undertaken all requisite precautionary measures and had even procured the harness before the start of the work. Apparently, the deceased did not use

the same and he fell from the third floor while carrying out the work. The petitioner is present in court. He feels sorry for the fact that the deceased has lost his life while working for him at his residence.

Respondent nos.2 to 5 are also present. Respondent no.5 is the complainant. Respondent nos.2 and 3 are the parents of the deceased and respondent no.4 is the widow of the deceased. She is also the mother of 3 minor children of the deceased.

Under the settlement, the petitioner has already made a payment of Rs.1 lakh to respondent no.2. The petitioner is also carrying 3 pay orders of Rs.1 lakh each drawn in favour of the minor children of the deceased. The petitioner further submits that even though the petitioner is not liable for the accident, on humanitarian consideration the petitioner is ready and willing to pay an additional amount of Rs.1 lakh to respondent no.4, the widow of the deceased. Let the said amount be paid within three days to respondent no.4.

Respondent nos.2 to 5 also joins the prayer for quashing the FIR and the proceedings arising therefrom. Accordingly, subject to payment of Rs.1 lakh as recorded above, in favour of respondent no.4 over and above the amount of Rs.4 lakhs settled between the parties, the FIR and the proceedings arising therefrom shall stand closed/ quashed.

VIPIN SANGHI, J

MARCH 06, 2017

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