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

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Date of Judgment: 06th July, 2017

+ W.P.(CRL) 1612/2016

SANJAY

..... Petitioner

Through: Mr. Ajay Sharma, Advocate with
petitioner in person.

versus

STATE & ORS.

..... Respondents

Through: Mr.R.S. Kundu, ASC for the State/R-1
with SI Arun Kumar, No. D-4301, PS Ghazi Pur,
Delhi.

Mr. Jatin Sharma, Advocate for R-2 to 4 with
respondent no. 2 to 4 in person.

CORAM:

HON'BLE MR. JUSTICE VINOD GOEL

VINOD GOEL, J. (ORAL)

1. The petitioner has approached this court under Article 226 of the Constitution of India read with section 482 of the Code of Criminal Procedure for quashing of FIR No. 1150/2016 registered at PS Ghazi Pur, Delhi under Section 288/304-A of IPC and for the quashing of all the other consequential proceedings arising out of the said FIR.

2. It is submitted that the deceased Surrender was engaged to break/demolish the building bearing No. A-1209-1210, Mayur Vihar, Phase-III, Delhi on 19.12.2016 under the care and supervision of the petitioner. On that day, while work of breaking wall was going on, the deceased started removing the bricks from the site and while the workers including the deceased were removing the bricks, suddenly a half broken brick wall fell

down upon the deceased Surrender. He suffered injuries and was taken to Malik Nursing Home, Mayur Vihar, Phase-III. From there he was taken to Metro Hospital and Heart Institute, Sector-12, Noida, UP, where he was declared 'brought dead' by the examining doctor.

3. It is submitted that the deceased was bachelor at the time of incident and left behind his parents as only legal heirs. After having amicably settled the matter with the legal heirs i.e. the parents of the deceased, who are respondent no. 3 and 4, the petitioner has approached this court for quashing of the proceedings arising out of the said FIR.

4. As per the original settlement deed dated 20.12.2016 placed on record, the respondent no. 3 and 4 have agreed to settle the matter for a sum of Rs.4,50,000/-. They have received Rs.2,50,000/- from the petitioner. The parents of the deceased i.e. respondent no. 3 and 4, who are present in the court, confirm having received a sum of Rs.2,50,000/- from the petitioner at the time of execution of the settlement deed dated 20.12.2016. The remaining amount of Rs.2,00,000/- was agreed to be payable to the respondent no. 3 and 4 in this court. However, the respondent no. 3 and 4 submit that instead of Rs.2,00,000/-, they should be paid Rs.3,00,000/- in addition to the amount of Rs.2,50,000/- which they have already received at the time of execution of the settlement deed on 20.12.2016.

5. Mr. Kundu, learned ASC through the IO SI Arun Kumar, PS Ghazipur, Delhi identifies both the respondent no. 3 and 4. The respondent no. 3 and 4 are also being represented by Sh. Jatin Sharma, Advocate, who also identifies them. Learned ASC through IO confirms that the respondent no. 3 and 4 are the only legal heirs of the deceased, who was bachelor.

6. Learned Additional Standing Counsel submits that in the status report it was mentioned that the respondent no. 3 and 4 informed the Investigation Officer that they would make the statement before the court. Learned ASC also submits that the charge sheet has not so far been filed.

7. The petitioner, who is present in the court, has agreed to pay Rs.3,00,000/- to the respondent no. 3 and 4 today itself by Demand Drafts. He has handed over a Demand Draft No. 885110 dated 06.07.2017 for Rs.1,50,000/- in favour of the respondent no. 3 and another Demand Draft No. 885109 dated 06.07.2017 for Rs.1,50,000/- in favour of the respondent no. 4. Both the respondent no. 3 and 4 have accepted the drafts in their favour from the petitioner. Both of them submit that the FIR may be quashed.

8. Since the respondent no. 3 and 4 i.e. the parents of the deceased have voluntarily settled the matter and they have been adequately compensated by the petitioner by paying Rs.5,50,000/-, no purpose would be served if the proceedings are continued pursuant to the registration of FIR No. 1150/2016 registered at PS Ghazi Pur, Delhi under Section 288/304-A of IPC. In these circumstances, to meet the ends of justice, the FIR No. 1150/2016 registered at PS Ghazi Pur, Delhi under Section 288/304-A of IPC and proceedings arising out of the said FIR are hereby quashed.

VINOD GOEL, J.

JULY 06, 2017

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