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

+ **CRL.M.C. 1791/2016**

SURAJ

..... Petitioner

Represented by: **Mr. Asbhishek Gupta, Adv.**

versus

THE STATE (GOVT OF NCT OF DELHI) & ANR

..... Respondent

Represented by: **Mr. Ashok Kr. Garg, APP with
ASI Raj Kumar PS Ashok
Vihar.
R-2 in person.**

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

05.05.2017

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By the present petition the petitioner seeks quashing of FIR No. 178/2013 under Sections 304A IPC registered at PS Ashok Vihar, Delhi lodged on the complaint of Head Constable Ashok Kumar Meena and the proceedings pursuant thereto on the ground that the parties have settled the matter.

Learned APP for the State on instructions from Investigating Officer submits that the above-noted FIR was registered when the deceased Kashi Nathy Pandey went to visit his friend, the petitioner herein and due to water-logging got electrocuted. Respondents No.2 to 6 are the legal heirs of deceased Kashi Nath Pandey being his son, wife, two daughters and the mother respectively.

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On the last date of hearing i.e. 22nd March, 2017 respondents No.2 to 5 i.e. son, wife and two daughters of late Kashi Nath Pandey were present and statements of respondents No.3 to 5 were recorded that they did not wish to proceed with the above-noted FIR and the proceedings pursuant thereto as the petitioner was their family friend. However, since respondent No.6 was not present nor she was represented through a power of attorney, matter was adjourned for today. A special power of attorney has been executed by respondent No.6 in favour of respondent No.2.

Respondent No. 2 is present in Court and is identified by the Investigating Officer. Respondent No.2 states that he is the special power of attorney holder of respondent No.6 and competent to make the statement on her behalf. Respondent No.2 on his behalf and on behalf of respondent No.6 his grand-mother states that they do not wish to pursue the above-noted FIR and the proceedings pursuant thereto against the petitioner.

Petitioner who is present in Court and is identified by the learned counsel affirms the statements of respondent No.3 to 5 as recorded on 22nd March, 2017 and of respondent No.2 on his behalf and on behalf of respondent No.6 recorded today.

Considering the fact that the parties have settled the matter and no useful purpose would be served in continuing with the above-noted FIR and the proceedings pursuant thereto, it would be in the interest of justice to quash the FIR in question. There is no legal impediment in quashing the FIR in question.

Consequently, FIR No. 178/2013 under Sections 304A IPC registered at PS Ashok Vihar, Delhi and proceedings pursuant thereto are hereby quashed.

Respondent No.3, 4 & 5 have already signed the order sheet in acknowledgement of their statements made on 22nd March, 2017. The petitioner, respondent No.2 on his behalf and on behalf of respondent No.6 have signed the order sheet in acknowledgment of their statements made before this Court today.

Petition is disposed of. Order dasti.

MUKTA GUPTA, J.

MAY 05, 2017
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