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

+ **CRL.M.C. 2008/2016**

BINDU KUMAR @ VINDU Petitioner

Represented by: Mr. Ritesh Babri with Ms.
Sanjela Gupta, Advs. with
petitioner.

versus

THE STATE NCT OF DELHI & ORS Respondent

Represented by: Mr. Ravi Nayak, APP with SI
Kali Charan, PS Ashok Vihar.
R-2, 4,5 and 6 in person.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

13.04.2017

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By the present petition, the Petitioner seeks quashing of FIR No. 147/2012 under Sections 279/304A IPC registered at PS Ashok Vihar Delhi and the proceedings pursuant thereto as the parties have settled the matter.

Learned APP for the State on instructions states that in the above noted FIR, the petitioner Bindu Kumar @ Vindu is the only accused and respondent No.2 to 6 are the legal heirs of deceased Anar Singh. He states that deceased Anar Singh died while using the machine known as sewer vacuum cleaner from which cleaning of the sewer was going on and the petitioner was operating the tanker bearing No.HR-38M-3905. It has been verified that the deceased Anar Singh is survived by Shri Devi his wife, respondent No.2, two daughters Babli and Preeti, respondent Nos. 3 and 4 and two sons Ravinder Kumar and Ajeet Singh, respondent Nos. 5 and 6.

Respondent No.2, 4, 5 and 6 are present in Court and identified by the investigating officer. They state that they have settled the matter with the petitioner and Mr. Anmol Sethi, Director of Anmol Infratech Pvt. Ltd. before the Delhi Mediation Centre, Rohini Courts on 17th February, 2016 pursuant whereof they have received total amount of ₹15.50 lakhs from Mr. Anmol Sethi, Director of Anmol Infratech Pvt. Ltd. They further state that respondent No.2 Smt. Shri Devi wife of deceased Anar Singh has been given compassionate appointment in Delhi Jal Board. Respondents Nos. 2,4,5 and 6 on their behalf and on behalf of respondent No.3 who is not present in Court due to studying outside Delhi state that in view of the settlement arrived at between the parties and the amount received by them, they do not wish to pursue the above noted FIR and the proceedings pursuant thereto as the incident happened purely due to an accident while operating the vacuum cleaner fixed on the tanker. The petitioner who is present in Court and identified by learned counsel affirms the statement of respondent Nos.2,4,5 and 6 and states that he will abide by the terms of settlement arrived at between the parties. Respondent No.3 is exempted from appearing before this Court.

Considering the fact that parties have settled the matter amicably without any force, coercion or ill-will, no useful purpose will be served in continuing with the above noted FIR and proceedings pursuant thereto rather the same would be abuse of the process of the Court. There is no legal impediment in quashing the FIR in question.

Consequently, FIR No. 147/2012 under Sections 279/304A IPC registered at PS Ashok Vihar Delhi and proceedings pursuant thereto are hereby quashed.

Mr. Anmol Sethi, petitioner and respondent Nos. 2,4,5 and 6 have signed this order sheet in acknowledgment of their statements made before this Court.

Petition is disposed of. Order dasti.

MUKTA GUPTA, J.

APRIL 13, 2017
‘v mittal’