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

+ CRL.M.C. 3999/2016 and Crl. M.A. No. 16750/2016 (Stay)

RAJ KUMAR GUPTA

..... Petitioner

Represented by: Mr. Kunal Kalra, Advocate
with petitioner in person.

versus

STATE & ANR

..... Respondent

Represented by: Mr. Ashok K. Garg, APP for
the State with SI Shri Gopal,
PS Shakarpur.
Mr. Parminder Singh Loomba,
Advocate for respondent No.2
with respondent No. 2 in
person.
Mr. Jitender Kumar, Advocate
for Ms. Ruhi Parveen,
respondent No.3 with
respondent No.3 in person.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

04.05.2017

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By the present petition the petitioner seeks quashing of FIR No.530/2014 under Sections 288/304A IPC registered at PS Shakarpur, Delhi on the complaint of respondent No. 2 Bachu Singh and the proceedings pursuant thereto on the ground that parties have settled the matter.

Learned APP for the State submits that the above noted FIR was registered on the complaint of Bachu Singh who was working for the construction of a house owned by the petitioner. Besides the petitioner and his brother, one Mohd. Anwar was also working at the site. While Mohd. Anwar was taking the machine to the second floor, due to non-fixation of the grill his feet slipped and he suffered fatal injuries. Learned APP for the State on instructions states that Bachu Singh is the complainant in the above noted FIR and the only surviving legal heirs of Mohd. Anwar have already been impleaded by the petitioner as respondent Nos. 3 to 7. Smt. Ruhi Parveen being the wife of the deceased Mohd. Anwar, Baby Nazia, Baby Nafeia and Baby Shazia, the three minor daughters of Mohd. Anwar and Smt. Mehru Nisha the mother of late Mohd. Anwar. He states that Mohd. Anwar has no other legal heirs and the petitioner is the only accused in the above noted FIR.

Smt. Ruhi Parveen, respondent No.3 is present in Court and is identified by the Investigating Officer. She states on her behalf and on behalf of the three minor daughters, respondent Nos. 3 to 6 being their legal guardian and as a power of attorney holder of respondent No.7 Smt. Mehru Nisha, that she has settled the matter with the petitioner. The Special Power of Attorney in favour of Smt. Ruhi Parveen executed by Smt. Mehru Nisha has been handed over and is taken on record. She states that she has settled the matter with the petitioner for a total sum of ₹8 lakhs out of which ₹7 lakhs have already been received. The balance amount of ₹1 lakhs has been received by her today in Court by way of Demand Draft No.627768 dated 1st May, 2017 drawn on Dena Bank. She also states that she has deposited ₹2

lakhs each in the form of FDR in the name of the three minor daughters and the balance amount of ₹2 lakhs would remain with her for the day-to-day requirements. She states that neither she nor any of the legal heirs of the deceased Mohd. Anwar have any claim against the petitioner and she does not wish to pursue the above-noted FIR and the proceedings pursuant thereto.

Respondent No.2 Bachu Singh, the complainant in the FIR is also present in Court and is identified by the Investigating Officer. He states that since the legal heirs of the deceased Mohd. Anwar have settled the matter with the petitioner, he has no objection if the above noted FIR and the proceedings pursuant thereto are quashed.

The petitioner who is present in Court and is identified by the learned counsel affirms the statement of respondent Nos. 2 and 3.

In view of the fact that parties have settled the matter no useful purpose would be served in continuing with the above-noted FIR and the proceedings pursuant thereto and the continuance thereof would be an abuse of the process of the Court. There being no legal impediment in quashing the FIR in question, this Court deems it fit to quash the FIR.

Consequently, FIR No.530/2014 under Sections 288/304A IPC registered at PS Shakarpur, Delhi and proceedings pursuant thereto are hereby quashed.

Petitioner, respondent No.2 and respondent No.3 on her behalf and on behalf of respondent Nos. 4 to 7 have signed this order sheet in acknowledgment of their statements made before this Court.

Petition and application are disposed of.
Order dasti.

MAY 04, 2017/‘vn’

MUKTA GUPTA, J.