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

+ CRL.M.C. 1574/2017

KRISHAN PAL & ANR

..... Petitioner

Represented by: Mr. Jeevan Chandra and Mr. S.
Firoz, Advs. with petitioners.

versus

STATE NCT OF DELHI & ORS

..... Respondents

Represented by: Mr. Ashok Kumar Garg, APP
for the State with ASI
Mukhtyar Singh, PS Vijay
Vihar.
R-2 to 4 in person.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

01.05.2017

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1. By the present petition the petitioners seek quashing of FIR No.356/2017 under Sections 288/304A IPC registered at PS Vijay Vihar, Delhi on the complaint of respondent No.2 and the proceedings pursuant thereto on the ground that the matter has been settled with the legal heirs of the deceased victim.

2. The above noted FIR was registered on the complaint of respondent N.2 who alleged that on 14th March, 2017, his brother in law Mulchand was falling and settling the beam on the second floor of the building being constructed by the petitioners and died due to electrocution.

3. Learned APP for the State on instructions submits that deceased Mulchand is survived by no other Class-I heirs other than respondent Nos. 3 and 4 who are the mother and wife of the deceased respectively.

4. Respondents No.2 to 4 are present in Court and identified by the investigating officer. Respondents No.3 and 4 states that they have settled the matter with the petitioners and they have paid them a total sum of ₹2.60 lakhs. Out of ₹2.60 lakhs, ₹60,000/- was paid in cash and ₹1 lakh each has been deposited in the accounts of respondent Nos. 3 and 4 respectively. Respondent Nos. 3 and 4 state that they have been adequately compensated, they will abide by the terms of settlement arrived at between the parties a copy whereof has been placed on record as Annexure P3 to the petition at pages 48 to 52 of the paper book and do not wish to pursue the above noted FIR and the proceedings pursuant thereto.

5. Respondent No.2, who is present in Court and identified by the investigating officer, also state that in view of the settlement arrived at between respondent Nos. 3 and 4 with the petitioners, he does not wish to pursue the above noted FIR and the proceedings pursuant thereto.

6. The petitioners who are present in Court and identified by learned counsel affirm the respective statements of respondents No.2 to 4 and state that they will abide by the terms of the settlement arrived at between the parties.

7. In view of the fact that the parties have amicably resolved the matter of their own free will, volition and without any coercion and no useful purpose will be served in continuance of the proceedings, it would be in the interest of justice to quash the abovementioned FIR and the proceedings pursuant thereto. There is no legal impediment in quashing the FIR in question.

8. Consequently, FIR No.356/2017 under Sections 288/304A IPC registered at PS Vijay Vihar, Delhi and proceedings pursuant thereto are

hereby quashed.

9. Petitioners and respondents No. 2 to 4 have signed this order sheet in acknowledgment of their statements made before this Court.

10. Petition is disposed of.

11. Order dasti.

MUKTA GUPTA, J.

MAY 01, 2017
‘v mittal’