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

+ W.P.(CRL) 1229/2017

KALLU

..... Petitioner

Through: Mr. Kuldeep Vashisht with Mr. Karan Aggarwal, Advs.

versus

GOVT OF NCT OF DELHI & ORS

..... Respondents

Through: Mr. Ashish Negi, Adv. for Ms. Richa Kapoor, ASC for the State
SI Rakesh Kumar, P.S. Lajpat Nagar
Mr. Mohan Sharma, Adv. for R-2 to R-7

CORAM:

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER

% **27.04.2017**

CRL.M.A.6912/2017

Exemption allowed, subject to all just exceptions.

Application is disposed of.

W.P.(CRL) 1229/2017

The petitioner seeks quashing of the FIR no.812/2016 dated 26.12.2016 (P.S. Lajpat Nagar) instituted for offences under Sections 288 and 304A of the IPC.

The petitioner had entered into a sub-contract with one Mr. Ajay Gupta to perform certain petty construction work at the site.

The deceased was working under the supervision of the petitioner. On 25.12.2016, while the construction work was going on at the site, the deceased died of electrocution. Pursuant to the incident, the subject FIR was

registered against the petitioner as the petitioner was the sub-contractor.

It has been submitted on behalf of the petitioner that the deceased was immediately taken to the hospital and all medical/financial aid was provided to the deceased as well as to his family during the course of the treatment. Unfortunately, the deceased succumbed to the electric shock. However, considering the fact that the deceased was fending for his family by undertaking manual work, the petitioner decided to recompense the family of the deceased by agreeing to pay Rs.4,75,000/-. This amount was agreed to be taken by the respondents towards full and final claim regarding the death of the deceased. Out of the aforesaid amount, Rs.2.5 lakhs was paid at the time of the execution of the settlement agreement and the balance amount of Rs.2.25 lakhs is required to be paid and has actually been paid to respondent no.2 who is the wife of the deceased vide DD No.540346 dated 19.04.2017 drawn on Syndicate Bank, today.

Considering the fact that the petitioner was not to be faulted with for the electric shock leading to the death of the deceased and that effort was made to recompense the family of the deceased and which measure was accepted by the family members of the deceased towards full and final satisfaction, there does not appear to be any necessity for continuing with the investigation of the present case. Considering the aforestated facts and circumstances, the FIR no.812/2016 (P.S. Lajpat Nagar) and all the proceedings emanating therefrom are quashed.

The petition is disposed of.

ASHUTOSH KUMAR, J

APRIL 27, 2017/ns