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

+ W.P.(CRL) 1209/2017

PIJUSH GHOSH

..... Petitioner

Through: Mr. Saurabh Sharma, Adv.

versus

STATE NCT OF DELHI & ANR

..... Respondents

Through: Ms. Anya Singh, Adv. for Mr. Avi
Singh, ASC for the State
SI Rajesh Kr. Verma, P.S. C.R. Park

CORAM:

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER

% **26.04.2017**

CRL.M.A.6813/2017

Exemption allowed subject to all just exceptions.

Application stands disposed of.

W.P.(CRL) 1209/2017

The petitioner who is a work's contractor and supplier of materials for construction of buildings seeks quashing of the FIR No.367/2015 dated 20.11.2015 (P.S. Chitranjan Park) which was registered for offences under Sections 288 and 304A of the IPC. One Vakil @ Manikchadra Oraon, a labourer working in the project was found to be dead in the half-constructed building.

Learned counsel for the petitioner submits that a group of labourers resided at the plot for working in the construction project. Without any reason, the deceased had gone inside the half-constructed building in the evening hours. It was only later that his dead body was detected.

There does not appear to be any injury on the person of the deceased. However, the post-mortem report discloses that the deceased died of blunt impact by a hard substance.

This could be attributed to anything including a fall.

Learned counsel for the petitioner submits that though no offence under Section 288 or 304A can at all be said to be made out but considering that the deceased has a wife, who is solely dependent upon him, the petitioner has decided to recompense her. An agreement was effected whereby the petitioner agreed to pay Rs.1.8 lakhs to her towards full and final compensation.

Be it noted that out of the settled amount of Rs.1.8 lakhs, 1.2. lakhs was paid earlier to the wife of the deceased. The wife of the deceased, who is present in court today, accepts the balance amount of Rs.60,000/- in cash, to her satisfaction.

Considering the fact that the petitioner is not to be faulted with for the death of the victim and that he has, in his own way, tried to alleviate the miseries of the wife of the deceased, this court is inclined to quash the subject FIR. No useful purpose would be served in keeping the investigation pending in this case.

Considering the aforesaid facts, the subject FIR No.367/2015 dated 20.11.2015 (P.S. Chitranjan Park) and all the emanating proceedings therefrom are quashed.

The petition is disposed of.

ASHUTOSH KUMAR, J

APRIL 26, 2017/ns