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

+ **CRL.M.C. 4159/2016**

RAJ NATH PRASHAD & ORS

..... Petitioner

Represented by: Mr. Amish Aggarwala, Mr.
Vinay Jaidka, Advs.

versus

STATE & ORS

..... Respondent

Represented by: Mr. Amit Ahlawat, APP.
Mr. Mahesh Kumar, Adv. for
R-4.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

07.03.2017

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By the present petition the petitioners seek quashing of FIR No.355/2013 under Sections 288/304A/34 IPC registered at PS Mandawali, Fazalpur on the ground that parties have settled the matter.

Amended memo of parties has already been filed.

The allegations against the petitioners in the FIR are of a negligent act on their part resulting in the death of brother of respondent No.2 and son of respondent No.3 & 4 while employing him as a labourer to demolish the house.

On 23rd February, 2017 the respondent No.2 and 3 i.e. the brother and father of the deceased Vishnu Mandal namely Manijar Mandal and Subol Mandal were present in Court. They stated that they had earlier received ₹1 lakh out of the total compensation amount of ₹3 lakhs and the balance

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amount of ₹2 lakhs had been received by them on the last date of hearing by way of cheque No.034491 dated 23rd February, 2017 drawn on Dena Bank, Patparganj Branch, New Delhi.

Vishnu Mandal was a boy aged 24 years, had died issueless and intestate without marriage. This Court noted that the only class one heir of Vishnu Mandal was his mother who had not been impleaded as a party. By way of amended memo of parties mother of Vishnu Mandal i.e. Ms. Sasholiya Devi @ Sarol Devi W/o Subol Mandal has been impleaded as respondent No.4.

Learned counsel for the respondent No.4 enters appearance and states that respondent No.4 is not in a position to come to this Court for recording of the statement. Learned counsel has handed-over an affidavit of Ms. Sasholiya Devi @ Sarol Devi W/o Subol Mandal aged 54 years stating that she has settled the matter with the petitioner and the amount of ₹3 lakhs has been received as compensation. She states that she does not wish to pursue the above-noted FIR and the proceedings pursuant thereto. The affidavit of respondent No.4 is taken on record.

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 not be in the interest of justice. There being no legal impediment in quashing the FIR in question, this Court deems it fit to quash the FIR.

Consequently, FIR No.355/2013 under Sections 288/304A/34 IPC registered at PS Mandawali, Fazalpur and proceedings pursuant thereto are hereby quashed.

Petition is disposed of. Order dasti.

MUKTA GUPTA, J.

MARCH 07, 2017
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