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

+ **CRL.M.C. 4212/2016**

JAINENDER KUMAR JAIN

..... Petitioner

Represented by: **Mr. R.C. Tiwari, Adv.**

versus

STATE (NCT OF DELHI) & ORS

..... Respondent

Represented by: **Mr. Amit Ahlawat, APP with
SI Shyam Lal, PS Pul Prahlad
Pur.**

**Mr. Tushar Saini, Adv. for
R-2 to 4.**

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

28.03.2017

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By the present petition the petitioner seeks quashing of FIR No. 61/2011 under Section 304A IPC registered at PS Pul Prahlad Pur, Delhi on the complaint of Pradeep Kumar Mishra on the ground that the parties have settled the matter.

Learned APP for the State on instructions from Investigating Officer submits that Pradeep Kumar Mishra was the co-labourer of Ram Dev the deceased who was working in the factory of the petitioner. While working in the factory of the petitioner since paper was lying scattered in the go-down the feet of deceased Ram Dev slipped and the bundle of paper he was carrying fell on his face resulting in injuries and later on he died. The matter has been settled between the legal heirs of the deceased Ram Dev and the

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petitioner. Learned APP on instructions submits that deceased Ram Dev is survived by three legal heirs i.e. Smt. Kiran his wife, and the two minor children Masters Bishesh and Vishal who have already been impleaded as respondents No.2 to 4. As regards the mother of deceased Ram Dev, she passed away on 8th February, 2012 immediately after the death of Ram Dev on 18th March, 2011. Thus respondents No.2 to 4 are the only surviving Class-I legal heirs of the deceased Ram Dev and the petitioner is the only accused.

Smt. Kiran who is present in Court and is identified by the learned counsel and the investigating officer on behalf of herself and on behalf of respondents No.3 and 4 her two minor sons being their natural and legal guardian states that she has settled the matter with the petitioner. She has received total settlement amount of ₹7 lakhs out of which ₹6 lakhs have been received by two cheques which have been encashed and the balance amount of ₹1 lakh was paid in cash. She states that she has now no claim against the petitioner and she does not wish to pursue the above-noted FIR and the proceedings pursuant thereto.

Petitioner who is present in Court and is identified by the learned counsel affirm the statement of respondent No.2 on her behalf and on behalf of respondent No.3 and 4.

Since the parties have settled the matter of their own free will, volition and without any coercion, no useful purpose will be served in continuing with the above-noted FIR and the proceedings pursuant thereto, rather the same would be an abuse of the process of the Court. There is no legal impediment in quashing the FIR in question.

Consequently, FIR No. 61/2011 under Section 304A IPC registered at PS Pul Prahlad Pur, Delhi and proceedings pursuant thereto are hereby quashed.

Parties have signed this order sheet in acknowledgment of their statements made before this Court.

Petition is disposed of. Order dasti.

MUKTA GUPTA, J.

MARCH 28, 2017
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