

\$~45

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

+ CRL.M.C. 3973/2017 & CrI. M.A. no. 16038/2017

GIRISH CHANDRA Petitioner
Through Mr. Ajay Sharma, Adv.

versus

STATE & ANR Respondents
Through Ms. Meenakshi Dahiya, APP with SI
Faizan Gani, PS. Ghazipur for
respondent no. 1
Mr. Jatin Sharma, Adv. with
respondent no. 2 in person

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER
23.11.2017

%

Petitioner is stated to be working at 'Pepsi' godown as Manager on contract basis. There was a water cooler installed in the godown. Deceased Chhotu Ram, aged 20 years, was working in the aforesaid godown as labourer. While drinking water from the water cooler, he suffered electrocution and died. It is alleged that petitioner was aware about the leakage of current but did not take any step to get it rectified. After the death of Chhotu Ram, FIR No. 539/2015 under Section 304-A IPC was registered at Police Station Ghazipur. Respondent no. 2 is father of Chhotu Ram. Mother of Chhotu Ram has already died. Chhotu Ram was not

married. Respondent no. 2 and petitioner have settled their disputes vide a Compromise/Settlement Deed dated 10th August, 2017. As per the settlement, petitioner was to pay ₹3,00,000/- to respondent no. 2 towards compensation. During the course of hearing, petitioner agrees to pay another sum of ₹2,00,000/- to the respondent no. 2. ₹2,50,000/- has already been paid by the petitioner to the respondent no. 2. ₹2,50,000/- has been paid today, vide two demand drafts, photocopies whereof have been placed on record. Respondent no. 2 admits having settled the matter with petitioner of his own free will, voluntarily and without any undue force, pressure or coercion. Respondent no. 2 submits that he is not willing to pursue the FIR any further against the petitioner and the same may be quashed. It is submitted that no complaint of leakage of current was ever made by anybody nor is there any material, which could be collected by the Investigating Officer to show that any complaint of leakage of current has been made by anyone.

Be that as it may, keeping in view the settlement arrived at between the petitioner and respondent no. 2 voluntarily and that petitioner has compensated respondent no. 2 by paying ₹5,00,000/-, in the interest of justice, FIR No.539/2015 under Section 304-A IPC registered at Police

Station Ghazipur and the consequent proceedings emanating therefrom are quashed.

Petition is disposed of in the above terms. Miscellaneous application is disposed of as infructuous. Dasti.

A.K. PATHAK, J.

NOVEMBER 23, 2017
r.bararia