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

+ CRL.M.C. 3928/2017

BHARAT BHUSHAN NAGPAL & ORS Petitioners
Through Mr. Rajiv K Garg, Adv

versus

STATE (GOVT OF NCT OF DELHI) & ORS Respondents
Through Mr. G M Farooqui, APP for State
with ASI Rajender, PS Ali Pur
Mr. K K Aggarwal, Adv for R-3 to 6

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

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22.09.2017

Complainant-respondent no.3 has alleged in the FIR that on 11th August, 2010 at about 11:00 AM he along with his mother Punia (deceased), Rambai and Brij Kishore were filling up the pit (foundation) of the wall, the wall suddenly collapsed as a result whereof Punia (deceased) sustained fatal injuries while Lakhan (complainant) received simple injuries. Deceased was taken to SRHC Hospital where the doctor declared her as 'dead'. It is further stated in the FIR that the complainant had asked the contractor-owner not to hurry up in digging the pit but he insisted that we should continue our work.

Respondent no.4 is husband of the deceased and respondent nos. 3, 5 & 6, are sons of respondent no.4. They submit that they have settled the matter with the petitioners vide compromise deed dated 18th September, 2017, therefore, they are not willing to pursue FIR

274/2010 under Sections 288/337/304A IPC registered at PS Alipur and the same may be quashed.

Petitioner no.1 is the owner of the plot, while petitioner no.2 is the contractor and petitioner no.3 is the sub-contractor. Compromise was arrived at for a sum of ₹2,50,000/- out of which a sum of ₹1,00,000/- has already been paid to respondent no.3/complainant. During the course of hearing on 21st September, 2017, petitioners have offered to pay another sum of ₹3,00,000/- in addition to the settled amount of ₹2,50,000/-. Respondent nos3, 5 & 6 submit that they are not interested to receive any amount and the entire settled amount may be paid to their father, respondent no.4.

Petitioners have paid ₹4,50,000/-to respondent no.4 by way of three demand drafts, photocopies whereof have been placed on record.

Keeping in mind the totality of the facts and circumstances of the case, as detailed above, in the interest of justice, FIR 274/2010 under Sections 288/337/304A IPC registered at PS Alipur and the consequent proceedings emanating therefrom are quashed, in view of the settlement arrived at between the petitioners and respondent nos. 3 to 6 voluntarily.

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

A.K. PATHAK, J

SEPTEMBER 22, 2017/sm