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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 4227/2017**

ABHISHEK SANSI & ANR

..... Petitioners

Through: Mr. Sumit Bansal and Mr. Vaibhav
Mirg, Advs.

Versus

STATE NCT OF DELHI & ORS

..... Respondents

Through: Mr. G.M. Farooqui, APP for State
along with SI Sanjay Tomar, P.S.
Naraina (Respondent no.2).
Ms. Sumi Anand, Adv. for R-3 along
with R-3 in person.

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

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17.10.2017

FIR No. 131/2017 under Sections 287/338 IPC was registered at police station Naraina on the complaint of SI Sanjay Tomar (respondent no.2). A perusal of FIR shows that a PCR call was received in the police station Naraina that respondent no. 3 had sustained injuries while working in a factory No. 65, INDI Colour Print Industrial Area, Phase-I. DD No. 18-A dated 12th July, 2017 was registered. Respondent no.2-SI Sanjay Tomar reached the hospital and obtained MLC of respondent no.3. Respondent no. 3 was present in the hospital but he refused to make a statement on the pretext that he was having pain and not in a position to make a statement. Respondent no. 2 got registered the FIR. Statement of respondent no. 3 has

not been recorded till date. As per the respondent no.2, respondent no. 3 avoided to make statement. Respondent no. 3 is present in Court and has been identified by respondent no. 2. Respondent no. 3 says that he has settled the matter with the petitioner vide Memorandum of Understanding of his own free will and without any undue force, pressure or coercion. He further says that he suffered injuries because of his own mistakes as he himself forgot to switch off the machine before cleaning it. He was moved to the ESI Medical Hospital, Basai Darapur, New Delhi by the petitioners, inasmuch as, they paid ₹20,000/- towards medical treatment of respondent no.3. Respondent no.3 says that he is still working with the petitioners and has no grievance against them, therefore, FIR may be quashed.

Keeping in view the facts and circumstances of the case more particularly, the fact that respondent no.3 says that he sustained injuries due to his own negligence, in the interest of justice, FIR No. 131/2017 under Sections 287/338 IPC registered at police station Naraina, which is at the investigation stage, is quashed.

Petition is disposed of in the above terms.

Dasti.

A.K. PATHAK, J.

OCTOBER 17, 2017/ga