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

+ **CRL.M.C. 18/2017**

KIMTI BABBER

..... Petitioner

Through: Mr. Aviral Agnihotri, Adv. along with
petitioner in person.

versus

STATE & ANR

..... Respondents

Through: Ms. Manjeet Arya, APP with
S.I. Ramavtar P.S. Nabi Karim.
Respondents 2 to 5, present in person.

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

06.07.2018

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Deceased Babu Ram was working in the small scale factory of the petitioner. He used to work as a welder. While working in factory he got electrocuted from the welding machine and died. F.I.R. No. 126/2010 under Sections 287/304-A IPC was registered at the complaint of respondent No.2/ Vijay Kumar. Respondent No.2 alleged in the FIR that deceased was not provided with welding safety kits, i.e. rubber shoes, hand gloves and helmet of mirror.

It is submitted that the matter has been settled between the petitioner and respondent nos. 2 to 6. Respondent No.2 is the complainant whereas respondent no. 3 is the wife of the deceased, respondent nos. 4 & 5 are the sons whereas respondent no.6 is the daughter of the deceased.

Respondent nos. 4 to 6 submit that they do not have any objection in

case entire amount of ₹6 lakhs is paid to respondent no.3. Respondent Nos.3 to 6 submit that the settlement has been arrived at between them and the petitioner and they do not want to continue this litigation any more.

A demand draft of ₹6 lakhs has been handed over to the respondent No.3 today in Court. Copy of the demand draft is also placed on record.

Respondent nos. 2 to 6 are present in Court and have been identified by SI Ramavtar of police station Nabi Karim. They submit that they have settled the matter with the petitioner of their own free will and without any undue force, pressure or coercion, inasmuch as, respondent no.3 has received entire settled amount from the petitioner. They say that they have no objection in case the FIR is quashed. Memorandum of Settlement dated 24th August, 2018 is on record.

Keeping in mind the facts and circumstances of this case as detailed above and more particularly the compromise having been arrived at between the petitioner and respondent nos.2 to 6 voluntarily, in my view, no fruitful purpose would be served in keeping the criminal proceedings pending. Accordingly, aforesaid FIR 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

JULY 06, 2018
Bisht