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

+ **CRL.M.C. 232/2018 & CRL. M.A. 906/2018**

PRABHA TANDON & ORS Petitioners

Through: Mr. Paramjeet Singh and
Mr. A.K. Dubey, Advocates.

versus

THE STATE GOVT OF NCT OF DELHI & ORS Respondents

Through: Mr. Vinay Kumar Mishra, Advocate
for R-2.
SI. Ramesh Lal, PS. Preet Vihar.

CORAM:

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

% **17.01.2018**

CRM. M.A. 906/2018 (exemption)

Exemption is allowed subject to all just exceptions.

CRL.M.C. 232/2018

1. The petitioners seek quashing of FIR No.42/2015, under Sections 288/304A IPC, Police Station Preet Vihar, Delhi. As per the FIR, a call was received that a person sustained injuries on account of a wooden plank falling on his head. The said victim subsequently expired.

2. Petitioner No. 1 who is aged about 81 years of age is the owner of the house in which some construction work was going on the 3rd floor of the property and petitioner No. 2 does masonry work on daily

basis and the petitioner No. 3 is engaged in shuttering work on job work daily basis. The deceased was also a poor rickshaw puller, survived by his wife and four children and fifth child was born after the incident.

3. The parties have settled the disputes and the wife of deceased agreed to accept compensation of the total sum of Rs.4,05,000/-, out of which, Rs.50,000/- has already been paid earlier, a sum of rupees 2,50,000/- is being paid by way of a Demand Draft No. 035320 dated 07.01.2018, a sum of rupees 55,000/- is being paid by way of a cheque No.279421 dated 17.01.2018, issued by Mr. Rajeev Tandon, son of the petitioner No. 1 and the remaining amount of Rs. 50,000/- has been being paid in cash in Court today. Mr. Rajiv Tandon undertakes that the cheque shall be honoured on its presentation.

4. Respondent No.2 (wife of the deceased) is present in court and is represented by her counsel and is also identified by the Investigating officer. The learned counsel appearing for respondent No. 2 submits that she, in view of the above facts, has accepted the compensation and wishes not to press the complaint any further.

5. It may be noted that respondent No. 2 has initially agreed a sum of rupees 3,55,000/- as compensation, however, during consideration of these proceedings, the compensation amount was enhanced to Rs. 4,05,000/-.

6. Keeping in view the peculiar facts of the case and the fact that the petitioner No. 1 is aged 81 years and has been made an accused

being the owner of the property in which the construction was going on, petitioner Nos. 2 & 3 are themselves labourers and petty workers on daily wage and further, the fact that respondent No. 2 has agreed and accepted the said amount as of rupees 4,05,000/- as compensation, no fruitful purpose would be served in continuing with the criminal proceedings any further. Respondent No. 2 is also very poor and has to support her minor children and in case the settlement is not accepted, she may not receive any financial assistance, thus it would further be expedient and in the interest of Justice that the subject FIR and the consequent proceedings emanating therefrom are quashed.

7. In view of the above facts, the petition is allowed. The FIR No. 42/2015, under Sections 288/304A IPC Police Station Preet Vihar, Delhi and consequent proceedings are quashed. The undertaking given by Mr. Rajiv Tandon is accepted.

8. It is further clarified that this settlement would not come in the way of the Respondent No. 2 and her children seeking any assistance/relief from the government under any of its beneficial schemes.

9. Order Dasti under signatures of Court Master.

SANJEEV SACHDEVA, J

JANUARY 17, 2018/bh