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

+ CRL.M.C. 323/2018 and CRL.M.A.1219/2018

LOKESH KUMAR GUPTA

..... Petitioner

Through: Mr. Sudhir Nandrajog, Sr. Adv. with
Mr. Manish Srivastava, Mr. Rohan
Malik, Advs.

versus

THE STATE & ORS

..... Respondent

Through: Dr. M.P. Singh, APP for State
Ms. Prachi Johri, Adv. for R-3

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

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22.01.2018

By this petition under Section 482 of the Code of Criminal Procedure, 1973 petitioner has prayed for quashing of FIR No.169/2006 under Section 304-A IPC registered at Police Station Anand Parbat on the complaint of respondent No.2. It is submitted that petitioner was working as Junior Engineer with the respondent No.3 BSES Yamuna Power Limited. Son of respondent No.2 died due to electrocution at Tikona Park, Punjabi Bagh, Baljit Nagar, New Delhi. Respondent No.2 alleged in the FIR that his 6-year old son was playing in front of the public toilet near Tikona park and he went near the electric transformer where electric wires were not covered and were lying outside the transformer. His son caught one wire and got electrocuted. Matter was referred to Delhi High Court Mediation and Conciliation Centre, where respondent Nos.2 and 3 have settled the

matter. Respondent No.3 offered to pay ₹ 6 lacs to respondent No.2 towards the full and final settlement of its liabilities arising out of the incident of death of late master Rajesh. Respondent No. 2 accepted this amount. Respondent No. 2 agreed before the Mediation Centre that he has no objection in case FIR is quashed. On receipt of the settled amount, he will cooperate with respondent No. 3 in getting the FIR quashed. Respondent No. 2 has also sworn an affidavit which has been annexed as Annexure P-5 to this petition. Respondent No. 2 in para 4 of the affidavit has stated that he has no objection in case FIR and the proceedings emanating therefrom against the petitioner are quashed. Respondent No. 2 is present in court. Respondent No. 2 says that he has received the entire settled amount and stated that he has no objection in case the FIR is quashed.

Keeping in view the settlement arrived at between the respondent Nos. 2 and 3 before the Mediation Centre, in my view no fruitful purpose would be served to keep the criminal proceedings pending. Accordingly, FIR No.169/2006 under Section 304-A IPC registered at Police Station Anand Parbat and 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

JANUARY 22, 2018
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