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

+ W.P.(CRL) 299/2018

DINESH GOUR & ANR

..... Petitioners

Represented by: Mr. Ajay Kumar, Advocate
with petitioners in person.

versus

THE STATE & ORS

..... Respondents

Represented by: Mr. Prem Sagar Pal, Advocate
for Mr. R.S. Kundu, Additional
Standing Counsel for State with
SI Ramesh, PS Mundka, Delhi.
Mr. Dinkar Kumar, Advocate
for respondent Nos. 2 and 3
with respondent Nos. 2 and 3 in
person.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

01.02.2018

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By the present petition the petitioners seek quashing of FIR No. 75/2017 under Sections 304A/288/337 IPC registered at PS Mundka, Delhi and the proceedings pursuant thereto on the ground that the family of the deceased and the petitioner have settled the matter.

Learned proxy counsel for the learned Additional Standing Counsel for the State on instructions from Investigating Officer submits that as per the investigation the two petitioners are the only accused in the above-noted FIR, respondent No. 2 the complainant and respondent Nos. 3 and 4, the legal heirs of the deceased Sadhan Mandal being his wife, and minor

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daughter.

The above noted FIR was registered by respondent No. 2 Achinta Bagdi, a co-worker with Sadhan Mandal while working on the project with Delhi Metro as labourer. As per the FIR while Sadhan Mandal was carrying iron shuttering, his leg got stuck in the waste material lying at the site. He fell down and his head hit the metro line due to which he got injured. It is alleged that since the helmet which was required to be used as security equipment was not provided and the waste material was not removed, the alleged incident took place resulting in the injury. Despite treatment Sadhan Mandal did not survive and succumbed to his injuries.

Respondent No.3 Chhaya Mandal is the wife of late Sadhan Mandal and respondent No.4 his minor daughter. An affidavit has been filed by petitioner No.1 stating that the mother of Sadhan Mandal has since passed away. Petitioners have also enclosed copy of the order dated 22nd January, 2018 passed by the Commissioner, Employees Compensation wherein the company Larsen and Turbo Ltd. were directed to deposit the death compensation for a sum of ₹8,47,160/- in favour of the legal heirs of the deceased. The father and the mother of the deceased had already filed a no objection stating that the amount be released to the wife and the minor daughter of the deceased. Thus a sum of ₹3 lakhs has been deposited in the FDR in the name of the minor daughter Moutushi Mandal and a sum of ₹4 lakhs as FDR in the name of Chhaya Mandal, the respondent No.3. Besides that a sum of ₹1,47,160/- has also been transferred to the savings account of respondent No.3 Chhaya Mandal.

Learned counsel for the petitioner states that the amount of ₹8,47,160/- would be deducted from the dues of the petitioners who is functioning as a contractor with Larsen and Turbo Ltd. He further states that immediately after the accident Delhi Metro Rail Corporation gave a compensation of ₹2 lakhs to the respondent No.3 which amount will also be deducted from the payments to be made to the petitioners pursuant to the work of contracts. Learned counsel for the petitioners further states that the medical expenses of the deceased and to and fro to Delhi from West Bengal and boarding and lodging expenses of the respondent Nos. 3 and 4 are also being made by the petitioners. These facts stated by the learned counsel for the petitioners have been confirmed by the respondent No.3 Chhaya Mandal, who is present in Court and is identified by the learned counsel and the Investigating Officer.

Respondent No.3 on her behalf and on behalf of respondent No.4, her minor daughter states that since she has settled the matter with the petitioners she does not wish to pursue the above-noted FIR and the proceedings pursuant thereto. Respondent No. 2 who is also present in Court has no objection if the above noted FIR is quashed.

Petitioners who are present in Court and are identified by the learned counsel affirm the statement of respondent No.3 and pray that the FIR be quashed.

In view of the fact that the parties have amicably resolved their differences of their own free will, volition and without any coercion and no useful purpose will be served in continuance of the proceedings, it would be in the interest of justice to quash the abovementioned FIR and the

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proceedings pursuant thereto. There is no legal impediment in quashing the FIR in question.

Consequently, FIR No. 75/2017 under Sections 304A/288/337 IPC registered at PS Mundka, Delhi and proceedings pursuant thereto are hereby quashed.

Parties have signed this order sheet in acknowledgment of their statements made before this Court.

Petition is disposed of. Order dasti.

MUKTA GUPTA, J.

FEBRUARY 01, 2018
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