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

+ CRL.M.C. 472/2018

BONEE SHARMA

..... Petitioner

Through: Mr.Sanjay Gupta, Adv. with
petitioner in person.

versus

THE STATE GOVT OF NCT OF DELHI & ANR..... Respondents

Through: Mr.Amit Chadha, APP with SI Amit
Dutt, PS Lajpat Nagar
Respondent no.7 in person.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

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13.12.2018

1. At the outset, learned counsel for the petitioner states that due to an inadvertent oversight on the part of the earlier counsel, the four minor children of Late Alhim Miya@Alam who are also his legal heirs, could not be impleaded as co-respondents and prays that the four minor children of Late Alhim Miya@Alam, namely, Ruby, Mohd. Kaif, Subeena & Ruksana, be impleaded as respondent nos.3 to 6 respectively. He hands over an amended memo of parties reflecting the names of the minor children who are sought to be impleaded as respondent nos.3 to 6 through their mother and natural guardian, namely, Smt. Shabya Bibi who is respondent no.2. The impleadment of proposed respondent nos.3 to 6 is allowed at the oral request of learned counsel for the petitioner and amended memo of parties is taken on record. Since the newly added respondent nos.3 to 6 have been impleaded through their mother, no further notice is

required to be issued to them, especially since respondent no.2 has already made a statement before this Court that she has received the settlement amount of Rs.2,80,000/- and does not wish to pursue the complaint any further.

2. Vide the present petition filed u/s 482 Cr.P.C., the petitioner seeks quashing of FIR No.599/2015 registered u/s 388/304A IPC at P.S Lajpat Nagar, Delhi on the basis of a compromise deed dated 27.01.2018.

3. Learned counsel for the petitioner submits that the petitioner is a Contractor carrying out construction and repair work at different sites. He submits that on 14.07.2015, one Late Mohd. Alam was under instructions from the petitioner, carrying out repair work at Shop No.107, Central Market. The aforesaid Mohd. Alam fell from the stairs of the First Floor of the said shop and succumbed to his injuries as a result of the fall. Respondent no.2 is the widow and respondent nos.3 to 6 are the four minor children of the deceased Mohd. Alam. Thereafter, based on a complaint made by respondent no.7/Shri Bhola Yadav, the captioned FIR was registered.

4. Learned counsel for the petitioner submits that the parties have now with the intervention of co-workers of the deceased, settled their disputes amicably and executed a compromise deed on 27.01.2018 wherein the petitioner has paid a sum of Rs.2,80,000/- as compensation to the legal heirs of the deceased. He states that the petitioner volunteers to pay further amounts as may be directed by this Court and, therefore, prays that, the captioned FIR and proceedings emanating therefrom be quashed.

5. The petitioner and respondent no.7 are present in Court and duly identified by the Investigating Officer. The record shows that on 15th February, 2018, respondent no.2 had appeared before this Court and categorically stated that in view of the settlement, she does not want the criminal proceedings to continue any further.

6. I have considered the submissions of the learned counsel for the parties and perused the records. Keeping in view the fact that the death of Late Alhim Miya@Alam was a result of an unfortunate accidental fall and no motive of any kind had been attributed to the petitioner as also the fact that the respondents being the widow and minor children of Late Mohd. Alam, being resident of a small village in Bihar, themselves do not want the criminal proceedings to continue any further, no useful purpose will be served in continuing with the criminal proceedings. The ends of justice demand that the FIR and consequential proceedings be quashed.

7. However, in the facts of the case, the amount of Rs.2,80,000/- which has been paid as compensation to the respondent nos.2 to 6 is found to be highly inadequate. Keeping in view the willingness expressed by learned counsel for the petitioner to pay further amount, I direct the petitioner to pay a further sum of Rs.3,20,000/- to respondent nos.3 to 6, the minor children of the deceased.

8. For the aforesaid reasons, the petition is allowed and the captioned FIR and consequential proceedings are quashed, subject to the petitioner paying a sum of Rs.3,20,000/- in the form of interest bearing FDRs of Rs.80,000/- each in the name of respondent nos.3 to

6 through her legal guardian i.e. respondent no.2Ms.Shabya Bibi within eight weeks from today. The FDRs will be for periods corresponding with the date on which the minor children will attain the age of majority. In case the amount is needed by respondent nos.3 to 6 for urgent purpose, they will be at liberty to approach this Court by way of an appropriate application. The original FDRs would be handed over to the respondent no.2 and a copy of the same will be handed over to the Investigating Officer for production before the learned Trial Court.

9. The petition is disposed of in the above terms.

DECEMBER 13, 2018/gm

REKHA PALLI, J