

\$~34

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

+ CRL.M.C. 869/2018

CHAMAN ANSARI

..... Petitioner

Through: Mr. Yogesh Kumar, Adv.

versus

STATE & ANR

..... Respondents

Through: Ms. Meenakshi Dahiya, APP with SI
Md. Imtayaz Alam, P.S. Shahbad
Dairy.

Respondent no.2 in person.

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

%

20.02.2018

Learned counsel for the petitioner submits that petitioner was working in M/s Triputi Cement Company where deceased was also working as a labourer. Respondent no. 2 (father of the deceased) was also working as a labourer in the said company. Deceased died due to electrocution. Accordingly, FIR No. 944/2014 under Section 304A IPC was registered at police station Shahbad Dairy. It is further submitted that father of the deceased was present at the time of the incident. In his statement under Section 161 Cr.P.C, respondent no.2 had categorically stated that a generator was installed in the labour hut for their convenience. Deceased used to fill diesel in the said generator and also do some other work. He used to take liquor. On the fateful day, deceased was asked not to go near the generator.

However, despite this warning deceased, after taking liquor, went near the generator, which was on, and got electrocuted. It is submitted that charge-sheet has been filed wherein this fact has been specifically mentioned. It is further submitted that petitioner has otherwise settled the matter with the respondent no.2. Deceased was a widower. He was not having any child. Mother of the deceased, that is, wife of respondent no.2 has already died. Accordingly, respondent no.2 has settled the matter with the petitioner vide Deed of Settlement-cum-Receipt dated 22nd September, 2014, inasmuch as, petitioner has paid ₹5 lacs to the respondent no.2. It is prayed that aforesaid FIR may be quashed in view of the settlement.

Respondent no.2 is present in Court and has been identified by SI Imtayaz Alam of police station Shahbad Dairy. He submits that he has settled the matter with the petitioner of his own free will and without any undue force, pressure or coercion. he also admits having receive entire settled amount of ₹5 lacs. He has no objection in case FIR is quashed.

Keeping in view the facts and circumstances, as detailed above, I am of the view that no fruitful purpose would be served in keeping the present criminal proceedings pending. Accordingly, in the interest of justice, 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.

FEBRUARY 20, 2018

ga