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

\+ CRL.M.C. 1002/2018

JAWHAR LAL ..... Petitioner

Through: Mr.Satish Kumar, Adv. with petitioner in person.

versus

THE STATE (NCT OF DELHI) & ANR ..... Respondents

Through: Mr.Amit Chadha, APP for the State with WSI Rachna, PS Subzi Mandi.
Mr.J.P. Yadav, Adv. for R-2 with R-2 in person.

CORAM:
HON'BLE MS. JUSTICE REKHA PALLI

O R D E R

% 20.11.2018

1. Vide the present petition under Section 482 Cr.P.C., the petitioner seeks quashing of FIR No.185/2017 u/s 287/304A/336 of the IPC registered at Police Station Subzi Mandi, Delhi and all proceedings emanating therefrom, on the basis of a compromise deed executed between the parties on 17.02.2018.

2. Learned counsel for the petitioner submits that the respondent no.2's husband, Late Shri Raj Kumar, was a regular employee with M/s. Sansun Contractors Pvt. Ltd and the petitioner working as a Supervisor with the same company. On 30.07.2017, while the respondent no.2 was carrying out the work of changing an electric wire on a tower on behalf of the aforesaid company, he was

electrocuted and as a result thereof, he was declared as brought dead to St. Stephens Hospital. He submits that based on the unfortunate incident, a complaint was made by the respondent no.2, the widow of Late Shri Raj Kumar, which led to the registration of the captioned FIR.

3. Learned counsel for the petitioner further submits that the parties have now with the intervention of other employees of M/s. Sansun Contractors Pvt. Ltd., decided to resolve their disputes and have entered into a compromise deed dated 17.02.2018, in terms of which the entire agreed amount of Rs.10,40,000/- has already been paid to the respondent No.2. He also submits that the petitioner is further willing to pay additional costs as may be directed by this Court and, therefore, prays that the captioned FIR and consequential proceedings be quashed.

3. The petitioner as also the respondent no.2 are present in Court and have been identified by the Investigating Officer. The respondent no.2 is also represented by her counsel. I have interacted with the respondent no.2 who states that she has entered into the settlement with the petitioner of her own free will and that the death of her husband was the result of an accident for which the petitioner may not have been directly responsible . She further submits that she does not want the aforesaid criminal proceedings to continue as she wants to move on in life and take care of her minor child and, therefore, prays that the captioned FIR and consequential proceedings be quashed.

4. I have considered the submissions of the learned counsel for the parties and perused the record. Keeping in view the fact that the

death of respondent no.2's husband was only a mishap, I find that the continuation of the aforesaid criminal proceedings will be an exercise in futility. The ends of justice demand that the FIR and consequential proceedings be quashed.

5. For the aforesaid reasons, the petition is allowed and the captioned FIR and all consequential proceedings are quashed, subject to the petitioner depositing a further sum of Rs. 1,00,000/- by way of a FDR in the name of the minor child, Master Hardik Raj through his guardian Ms.Anamika Kumari, which will be withdrawn only when the minor will attain the age of majority. The original FDR will be handed over to the Investigating Officer for onward transmission to the respondent no.2 and a copy thereof will be retained by him for production before the Trial Court.

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

REKHA PALLI, J

NOVEMBER 20, 2018
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