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

+ **W.P.(CRL) 908/2018**

MASS TECH CONTROLS PVT LTD

... Petitioner

Represented by: Mr.Nand Lal Yadav with
Ms.Parnil Yadav, Advocates

versus

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

Represented by: Mr.Piyush Singhal, proxy
counsel for Mr.Ashish
Aggarwal, ASC for the State
with SI S.Kumar, PS Kalkaji
Mr.Devendra Kumar, Advocate
for respondent No.3

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

13.07.2018

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Amended Memo of Parties has not been filed. The same has been handed over in Court today, which is taken on record.

By the present petition the petitioner seeks quashing of FIR No.493/2017 under Sections 287/304A IPC registered at PS Kalkaji, Delhi on the complaint of Respondent No.2 and the proceedings pursuant thereto on the ground that the parties have settled the matter.

Learned proxy counsel for the learned Additional Standing Counsel for the State submits that the above noted FIR was registered on the complaint of respondent No.2, who was the co-worker and brother-in-law of
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the deceased Javed, son of respondent No.3, who died of short circuit while he was working on the electricity pole on contract basis with BSES/BRPL, South zone. He states that in the above-noted FIR, petitioner is the only accused and respondent No.3, the only surviving legal heir of deceased Javed being his mother as Javed was unmarried and respondent No.2 is the complainant.

Respondents No.2 and 3 are present in court and are identified by learned counsel and the Investigating Officer. They state that they have settled the matter with the petitioner vide settlement dated 22nd October, 2017 copy whereof is annexed as Annexure-P2 to the present petition. In terms of the settlement respondent No.3 has already received a total sum of ₹7,25,000/-. Respondent No.3 further states that the petitioner has made arrangement for her ESI pension which she would be entitled to receive and in view of the settlement arrived at between the parties, she does not wish to pursue the above-noted FIR and the proceedings pursuant thereto and has no claim whatsoever against the petitioner.

Petitioner, who is present in Court and is identified by the learned counsel affirms the statement of respondents No.2 and 3 and undertakes to abide by the terms of settlement. Learned counsel for the petitioner states that the petitioner has already applied for the ESI pension for the respondent No.3.

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.493/2017 under Sections 287/304A IPC registered at PS Kalkaji, 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.

JULY 13, 2018
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