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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CRL.M.C. 1139/2018 & CRL.M.A. 4146/2018, CRL.M.A. 4148/2018
NITEN GUPTA Petitioner

Through Mr.Hemant Gupta, Adv.

versus

GOVT.OF NCT DELHI & ANR Respondent
Through Mr.Amit Chadha, APP with SI Vikas
Mudgal PS Khyala.

CORAM:
HON'BLE MS. JUSTICE REKHA PALLI

ORDER
% **20.11.2018**

1. Vide the present petition u/s 482 CrPC, the petitioner seeks quashing of FIR No.0511/2013 u/s 288/304A IPC registered at Police Station Khyala, Delhi and all proceedings emanating therefrom, based on a settlement arrived at between the parties on 15.12.2017 before a Co-ordinate Bench of this Court in W.P.(C)No.4224/2016.

2. Mr.Hemant Gupta, learned counsel for the petitioner submits that the petitioner is the sole Proprietor of M/s P.G. & Associates and he was awarded a contract for the construction of the Government Community Centre at N.W.Chowk, Khyala, Delhi in the year 2013. He submits while the constructions were going on, a wall of the Graveyard close to the construction site fell down, fatally injuring the respondent no.2's husband, namely Mr.Idrish, who was sitting on the pavement of the wall. When Mr.Idrish succumbed to his injuries, the

respondent no.2 filed a complaint leading to the registration of the captioned FIR against the petitioner as also Mr.Bheem Rajbhar, the driver of the JCB Machine doing the digging work on the construction site at the time the accident occurred.

3. Mr.Hemant Gupta submits that the respondent no.2 had filed a writ petition being W.P.(C)No.4224/2016 before this Court seeking compensation for the death of her husband. This Court, after hearing the parties at length had recorded the settlement arrived at between them, in accordance with which the petitioner was directed to pay a sum of Rs.4 lakhs to the respondent no.2 as compensation for her husband's death. Furthermore, a sum Rs.6 lakhs was directed to be paid to her through the Delhi State Legal Services Authority under the Delhi Victims Compensation Scheme, 2015.

4. Mr.Hemant Gupta further submits that not only has the entire agreed amount of Rs.10 lakhs as directed by this Court in W.P.(C)No.4224/2016 already been paid to the respondent no.2, but the petitioner is willing to bear any further costs that may be directed by this Court and, therefore, prays that the FIR and all proceedings emanating therefrom be quashed.

5. The petitioner as also the respondent no.2 are present in Court and have been identified by the Investigating Officer. I have also interacted with the respondent no.2, who states that she has already settled the matter with the petitioner and does not want the aforesaid criminal proceedings to continue. She prays that the captioned FIR and consequential proceedings be quashed as she wants to move on in life.

6. I have considered the submissions of the learned counsel for the parties and perused the record. Keeping in view the fact that the matter already stands resolved between the parties before a Co-ordinate Bench of this Court, wherein the respondent no.2 had categorically stated that she will not oppose the petition for quashing of the FIR to be filed by the petitioner, I find that no useful purpose will be served in continuing with the criminal proceedings. In my view, the ends of justice demand that the captioned FIR and consequential proceedings qua the petitioner be quashed.

7. Accordingly, the petition is allowed and the captioned FIR and all proceedings emanating therefrom qua the petitioner are quashed, subject to the petitioner depositing a sum of Rs.25,000/ with the Delhi High Court Staff Welfare Fund within two weeks from today.

8. The petition is disposed of alongwith pending applications in the above terms.

REKHA PALLI, J

NOVEMBER 20, 2018

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