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

+ CRL.M.C. 1169/2018

M/S MOTHER DAIRY FRUIT & VEGITABLE PVT LTD &

ORS

..... Petitioners

Through: Mr. K.K. Manan, Sr. Adv. with Mr. Sanjeev Manan, Mr. Ankush Narang, Mr. Jatin Sharma and Ms. Bhavya Chauhan, Advs. along with petitioner no.3 in person.

versus

THE STATE (GOVT.OF NCT OF DELHI)& ORS..... Respondents

Through Dr. M.P. Singh, APP for State with SI Parmjit Singh, P.S. Tilak Marg. Respondent nos. 2 and 3 in person.

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

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07.03.2018

Respondent no. 4 is minor and is being represented through his mother, that is, respondent no.2, who is widow. Respondent no.3 is mother of the deceased.

Deceased-Rakesh Kumar was working with Mother Dairy Milk Booth No. 226, M.S. Apartments, K.G. Marg, New Delhi. Petitioner no.2 was incharge of the said Booth. Deceased used to work there and sometimes live in the Booth itself. On 28th April, 2016 at about 05:30 am his dead body was found lying near the freezer. He was taken to the hospital where he was declared brought dead. As per the post mortem, deceased died due to

electric shock. No eye witness was found. Accordingly, FIR No. 165/2016 under Sections 304A/34 IPC was registered against the petitioners at police station Tilak Marg.

It is submitted that private respondents have compromised the matter with the petitioners vide Compromise Deed dated 14th December, 2016. Respondent nos. 2 and 3 are present in Court and have been identified by SI Parmjit Singh of police station Tilak Marg. They submit that they have settled the matter with petitioners of their own free will and without any undue force, pressure or coercion. They further submit that they have already received ₹5 lacs from the petitioners out of the total settled amount of ₹9.50 lacs. Petitioner no.3 has paid balance settled amount of ₹4.50 lacs besides ₹28,125/- towards interest to the respondent nos. 2 and 3 today in Court vide four demand drafts, photocopies whereof have been placed on record. Respondent nos. 2 and 3 further submit that they have no objection in case FIR is quashed in view of the settlement.

Keeping in mind the facts of this case, as detailed above, I am of the view that no fruitful purpose would be served to continue the FIR. Accordingly, in the interest of justice, aforesaid FIR, which is at the investigation stage, is quashed.

Petition is disposed of in the above terms.

Dasti.

A.K. PATHAK, J.

MARCH 07, 2018

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