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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 1161/2017 & CRL.M.A 4779/2017**

SANDEEP BHARDWAJ & ANR Petitioners
Through: Mr. Sudhir Nandrajog, Sr. Adv. with
Mr. Abhay Kumar, Mr. Saurabh
Mishra, Mr. Himanshu, Mr. Bilal
Khan, Advs.

versus

STATE, GNCTD & ORS Respondents
Through: Ms. Rajni Gupta, APP for State
SI Gajender, PS Alipur
Mr. J.S. Mann, Adv. for R-2&3

CORAM:
HON'BLE MR. JUSTICE A.K. PATHAK

ORDER
% **22.01.2018**

Learned APP submits that co-accused Vinod Kumar and Dhani Ram have not been impleaded as a party to the present petition. Learned senior counsel submits that co-accused Vinod Kumar and Dhani Ram may be impleaded as respondent Nos. 4 and 5. It is ordered accordingly.

Amended memo of parties be filed during the course of the day.

It is submitted that petitioners and respondent Nos. 2 and 3 have settled their disputes amicably and therefore, FIR No. 254/2010 under Section 304-A IPC registered at police station Alipur on the complaint of Devender Balhara may be quashed. Respondent Nos. 2 and 3 are parents of deceased Amit, aged about 10 years, who died due to electrocution by touching a wire hanging from a pole near

Karam Garden, Dayal Market, Alipur Garhi. Investigations are over and charge-sheet has been filed. It is submitted that matter was referred to mediation centre, Rohini Courts, Delhi where a settlement has been arrived at between the respondent Nos. 2 and 3 and Tata Power Delhi Distribution Limited (Petitioner No. 2 herein). Petitioner No. 1 is an employee of the petitioner No. 2. Respondent Nos. 4 and 5 are employees of the contractor engaged by petitioner No. 2. It is submitted that ₹ 5 lacs has already been paid to respondent Nos. 2 and 3 in terms of the settlement. During the course of hearing of this petition, petitioner No.2 had offered to pay another sum of ₹ 1 lakh to respondent No. 2 and in fact the said amount has been paid to respondent No. 2 through a cheque issued by petitioner No. 2. Respondent No. 2 has accepted this cheque subject to realisation. Respondent Nos. 2 and 3 submit that they have no objection in case FIR is quashed in view of the settlement. There is no eyewitness to the incident. Whole case is based on circumstantial evidence. Respondent Nos. 2 and 3 have settled the matter with petitioner No. 2 and have accepted the said amount. Therefore in my view, no fruitful purpose would be served to keep the criminal proceedings pending. For the foregoing reasons, FIR No. 254/2010 under section 304-A IPC, PS Alipur and consequent proceedings are quashed.

Petition is disposed of in the above Terms. Miscellaneous application is disposed of as infructuous. Dasti.

A.K. PATHAK, J

JANUARY 22, 2018

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