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

+ **W.P.(CRL) 866/2018**

BSES YAMUNA POWER LTD ... Petitioner

Represented by: **Ms.Ritu Gupta, Advocate**

versus

STATE OF NCT OF DELHI & ORS ... Respondents

Represented by: **Mr.Ashish Negi for Ms.Richa Kapoor, ASC for the State with Insp. Ravi Kant and SI Sandeep Kumar, PS Karawal Nagar**

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

10.05.2018

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1. By this petition the petitioner seeks quashing of FIR No.153/2016 under Section 285/304-A IPC registered at PS Karawal Nagar, Delhi on the complaint of respondent No.2 and the proceedings pursuant thereto on the ground that the parties have settled the matter.

2. Learned proxy counsel for learned Additional Standing Counsel submits that the above noted FIR was registered on the complaint of respondent No.2 who alleged that on 29th February, 2016 at about 11.30 p.m. she along with her husband and son were at the first floor when her husband saw lighting on electricity poll from a wire which was causing sparks. As she tried to raise the alarm, her husband rushed with a wiper and hit the wire with the wiper causing electric shock to him through the grill of the house. He was taken to the hospital where he was declared brought dead.

3. Learned proxy counsel for the State further submits that on **W.P.(CRL) 866/2018**

investigation it was found that the distance between the electric pole and the house of the deceased is very narrow which resulted in the sparking leading to this incident. He further states that the FIR has been registered against the petitioner but no officer of the petitioner was found to whom negligence can be attributed. He further states that the respondent No.2 is the complainant and wife of the deceased. Besides the respondent No.2, the deceased Ved Prakash is survived by his two minor children and mother as the three other legal heirs.

4. Though wife and two minor children of deceased Ved Prakash have been arrayed as respondent No.2 to 4, however, the mother of the deceased Ved Prakash has not been arrayed as a party. Faced with this situation, learned counsel for the petitioner has handed over an Amended Memo of Parties, which is taken on record, impleading Mrs.Rajwati, mother of deceased Ved Prakash as respondent No.5.

5. Respondents No.2 and 5 are present in Court and are identified by the Investigating Officer. Respondent No.2 on her behalf and on behalf of her two minor children i.e. respondents No.2 to 4 and respondent No.5, submits that they have settled the matter with the petitioner vide Memorandum of Settlement dated 7th March, 2018 which is annexed as Annexure-D to the present petition. In lieu of the settlement the respondents No.2 to 5 have received a sum of ₹6,00,000/- vide cheque No.075706 dated 22nd March, 2018 drawn on Axis Bank, Swasthya Vihar, New Delhi. Respondent No.2 and 5 state that they will withdraw the civil suit filed by them being CS(OS)No.259/2017 claiming damages on account of death of Ved Prakash and they do not wish to pursue the above noted FIR and the proceedings *W.P.(CRL) 866/2018*

pursuant thereto.

6. Mr.Mukesh Kumar, authorized representative of the petitioner is present in Court. Copy of authorization in his favour is annexed as Annexure-B to the present petition. He is identified by the learned counsel and he affirms the statements of respondents No.2 and 5.

7. 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 proceedings pursuant thereto. There is no legal impediment in quashing the FIR in question.

8. Consequently, FIR No.153/2016 under Section 285/304-A IPC registered at PS Karawal Nagar, Delhi and the proceedings pursuant thereto are hereby quashed.

9. Parties have signed this order sheet in acknowledgment of their statements made before this Court.

10. Since respondent No.2 is a victim of circumstances and has to look after two minor children aged 8 years and 6 years, SHO PS Jyoti Nagar is directed to get enrolled respondent No.2 Poonam, wife of late Ved Prakash in the skill development programmes organized at PS Jyoti Nagar under the YUVA programme.

11. Petition is disposed of. Order dasti.

12. A copy of this order be also communicated to Mr.Krishan Kumar Gaur, National Coordinator, National Skill Development Corporation.

MAY 10, 2018/rk
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MUKTA GUPTA, J.
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