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

+ **CRL.M.C. 2244/2018**

M/S BSES YAMUNA POWER LTD

..... Petitioner

Through: Mr. Sunil Fernandes, Mr. Arnav
Vidyarthi and Ms. Nupur Kumar,
Advs.

versus

STATE (NCT OF DELHI) & ORS

..... Respondents

Through: Ms. Kusum Dhalla, APP for State
with SI Shri Gopal, Shakar Pur.
Mr. Harish Kumar, Adv. for R-2 to R-
6 along with R-2 & R-3.
Mr. G.D. Mishra, Standing Counsel
for R-7.

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

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18.05.2018

Respondent no.2 is widow of deceased-Kishan Lal. Respondent no. 3 to 6 are children of deceased. Respondent nos. 4 to 6 are minors and are being represented by their mother, that is, respondent no.2.

Learned counsel for the petitioners submit that respondent nos. 2 to 6 had filed W.P. (Crl.) 6859/2016 in this Court against the petitioner and respondent no.7 wherein present respondent nos. 2 to 6 had claimed compensation from the petitioner and respondent no.7 as the deceased had died due to negligence on their part. It is further submitted that deceased had gone to the urinal where he got electrocuted. The said urinal was not

properly maintained by the respondent no.7, that is, East Delhi Municipal Corporation. It is submitted that since electric wires were not properly fixed by BSES, it was also liable for this negligence. FIR No. 1377/2015 under Section 304A IPC was registered at police station Shakarpur regarding this incident. It is submitted that matter has been settled between the petitioner and respondent no.7 on the one hand and respondent nos. 2 to 6 on the other. Petitioner and respondent no. 7 have jointly paid ₹16 lacs to the respondent nos. 2 to 6 in the afore-mentioned writ petition, which has been disposed of by a learned Single Judge of this Court vide passed today order, Respondent nos. 2 and 3, who are present in Court and have been identified by SI Shri Gopal of police station Shakar Pur. They submit that they have settled the matter with the petitioner and respondent no. 7 of their own free will and without any undue force, pressure or coercion in as much as have received compensation today. In fact, settlement was initially arrived at before the Delhi High Court Mediation & Conciliation Centre on 14th March, 2018 for ₹8 lacs. However, in the present petition on 2nd May, 2018 petitioner and respondent no. 7 had agreed to enhance the compensation from ₹8 lacs to ₹16 lacs. Respondent nos. 2 and 3 admit having received the entire settled amount. They say that they have no objection if FIR and the

consequential proceedings are quashed.

Keeping in mind the settlement arrived at between the petitioner and respondent nos. 2 and 3 before the Mediation Centre and this Court, in my view, no fruitful purpose would be served in keeping the criminal proceedings pending. Accordingly, aforesaid FIR and the consequent proceedings emanating therefrom are quashed.

Petition is disposed of in the above terms.

Dasti.

A.K. PATHAK, J.

MAY 18, 2018

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