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

+ **CRL.M.C. 3594/2018**

SUSHIL KUMAR

..... Petitioner

Through: Mr.Paritosh, Adv. with petitioner in person.

versus

STATE OF NCT DELHI & ORS

..... Respondents

Through: Ms.Manjeet Arya, APP with SI
Jagdish, PS Dwarka
R-2 & 3 in person.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

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13.12.2018

1. Vide the present petition filed u/s 482 Cr.P.C., the petitioner seeks quashing of FIR No.240/2016 registered u/s 336/304A IPC at P.S Dwarka, Delhi on the basis of a Memorandum of Understanding (MoU) executed between the parties on 13.02.2017.

2. Learned counsel for the petitioner submits that the petitioner is running a grocery shop wherein one Shri Laxman was employed. He submits that while Shri Laxman was working in the store attached to the shop, a bundle of heavy bags fell on his back, leading to his death on 05.05.2016, whereafter based on a complaint made by respondent no.2, the captioned FIR was registered.

3. Learned counsel for the petitioner submits that after the

registration of the FIR, the parties had been appearing before the Labour Commissioner wherein respondent nos.3 & 4 who are the parents of the deceased Shri Laxman have amicably resolved their disputes with the petitioner by entering into a MoU on 13.02.2017. According to the MoU, the petitioner had agreed to pay a sum of Rs.6.87 lakhs to the respondent nos.3 and 4, the respondent no.3 being the mother and only legal heir of Late Shri Laxman, who was unmarried. He has drawn my attention to the order dated 02.04.2018 passed by the Labour Commissioner, wherein the matter was closed in the presence of both respondent nos.3 and 4 after recording their settlement, upon receipt of the aforesaid sum of Rs.6.87 lakhs. Mr.Paritosh states that the petitioner volunteers to pay further costs that may be directed by this Court and, therefore, prays that the captioned FIR and proceedings emanating therefrom be quashed.

4. The petitioner as also the respondent nos.2 & 3 are present in Court and identified by the Investigating Officer. Respondent no.4, who is the mother of Late Shri Laxman is not present. Respondent no.3 who is the husband of respondent no.4 states that she is indisposed and could, therefore, not appear before the Court today. I have interacted with respondent no.3, who states that he has instructions to state on his wife's behalf that the matter has been resolved amicably between the parties and they have no subsisting grievance against the petitioner. He, therefore, prays that the FIR and consequential proceedings be quashed.

5. I have considered the submissions of the learned counsel for the parties and perused the records. Keeping in view the fact that the FIR emanates from an unfortunate death of a young unmarried man, which took place due to an accidental incident wherein heavy bags had fallen on the deceased as also the fact that the order passed by the Labour Commissioner, which clearly records that the matter has been resolved between the parties after receipt of the aforesaid amount, I am of the opinion that once the parties themselves have amicably settled the matter and the legal heirs of Late Shri Laxman who have been duly compensated and, therefore, do not want the criminal proceedings to continue, no useful purpose will be served in continuing with the criminal proceedings. The ends of justice demand that the FIR and consequential proceedings be quashed.

6. For the aforesaid reasons, the petition is allowed and the captioned FIR and consequential proceedings are quashed, subject to the petitioner paying a further sum of Rs.2 lakhs in the form of an FDR in the name of respondent no.4 within eight weeks from today. The original FDR would be handed over to the Investigating Officer, who will be responsible for forwarding the same to respondent no.4. A copy of the same will be retained by the Investigating Officer for production before the learned Trial Court.

7. The petition is disposed of in the above terms.

REKHA PALLI, J

DECEMBER 13, 2018

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