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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(CRL) 2568/2016
ANIL KUMAR NAYAK Petitioner
Through Mr.Sanjay Gupta, Adv.

versus

STATE & ORS. Respondents
Through Mr.R.S.Kundu, ASC for State with
Mr.Bhagat Singh, Adv.
Mr.Dipesh Choudhary, Adv. for R-3.
SI Shivraj from P.S.New Friends
Colony.

CORAM:
HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

% **22.01.2018**

Petitioner is seeking quashing of the present FIR. FIR No.118/2016 registered under Section 288/337/304A of IPC at police station New Friends Colony. This is a case where an unfortunate incident had taken place and the husband of respondent no.3 had succumbed to his injuries. The husband of respondent no.3 was stated to be working as a carpenter on the second floor of the building in which the petitioner was a supervisor; the victim had fallen from second floor and succumbed to his death. Respondent no.3 is present. She has three minor children aged 9 years, 6 years and 3 years. Parties had settled their disputes and the petitioner had agreed to pay a sum of Rs.7 lakhs to respondent no.3 for the benefit of respondent no.3 and her family including her three children of which Rs.6 lakhs already stands paid. Rs.1,00,000/- has been paid today in Court by a demand draft dated 14.11.2017. This amount has been received by

respondent no.3. She will keep a substantial amount out of this amount (Rs.5 lakhs) an interest bearing FDR; she has minor children and his amount can be availed at the appropriate time for their benefit. The Investigating Officer (SI Shivraj from P.S.New Friends Colony) will ensure the compliance of this order.

Learned counsel for the State informs this Court that respondent no.3 shall also be entitled to compensation under the Delhi Victims Compensation Scheme, 2015 and she may accordingly apply before the Delhi Legal Services Authority, Patiala House Courts, New Delhi for this relief. The Investigating Officer who is present before this Court will take respondent no.3 to the office of the Delhi Legal Services Authority, Patiala House Courts, New Delhi today in order that she can make her application seeking such a compensation.

To secure the ends of justice and noting the fact that the trial would only be an exercise in futility, this is a fit case where the prayer made in the petition should be granted.

Accordingly, FIR No.118/2016 registered under Sections 288/337/304A of IPC at police station New Friends Colony and all the proceedings emanating therefrom stand quashed.

Petition disposed of in the above terms.

INDERMEET KAUR, J

JANUARY 22, 2018
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