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

+ **W.P.(CRL) 1705/2017**

KAMLESH

..... Petitioner

Represented by: **Mr. Jagjit Singh Dahiya,**
Advocate.

versus

THE STATE NCT OF DELHI & ANR

..... Respondent

Represented by: **Ms. Nandita Rao, ASC with**
ASI Phool Kanwar, PS
Mundka.
Mr. Girish Kumar, Advocate
for R- 2 to 6.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

19.04.2018

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By the present petition the petitioner seeks quashing of FIR No. 380/2016 under Section 304A IPC registered at PS Mundka, Delhi on the complaint of Respondent No.2 and the proceedings pursuant thereto on the ground that the parties have settled the matter.

Learned Additional Standing Counsel for the State on instructions submits that the above noted FIR registered when the petitioner was building a safety tank and while coming at night, husband of respondent No. 2 did not realise that safety tank was under construction due to darkness around the area and he fell down in the same. She further states that petitioner is the only accused and the respondent No.2 is the only complainant/ victim and

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besides the respondent No. 2 the other legal heirs of deceased Bharat sha, i.e. his mother Ram Lakhi Devi, two sons and daughter have been impleaded as respondent Nos. 3 to 6.

It was point out to this Court that Prahalad though major is a special child who is not in a position to speak or hear. Further, Bhanu Pratap respondent No. 6, son of the deceased is a minor. Thus Prahalad and Bhanu Pratap respondent Nos. 4 and 6 are represented through their mother respondent No. 2, Maya Devi.

Respondent No. 2, on her behalf and on behalf of respondent Nos. 4 and 6, respondent Nos. 3 and 5 who are present in Court and are identified by the learned counsel and Investigating Officer, state that the petitioner has paid a compensation of ₹2 lakhs which they have received and they do not want to pursue the abovementioned FIR and the proceedings pursuant thereto for the reason that the petitioner is also a widow of a Kargil Martyr.

Petitioner who is present in Court and is identified by the learned counsel affirm the statement of respondent No.2, 3 and 5 undertakes to abide by the terms of settlement arrived at between the parties.

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, rather the same would create further acrimony between them, 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.

Consequently, FIR No. 380/2016 under Sections 304A IPC registered
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at PS Mundka, Delhi and proceedings pursuant thereto are hereby quashed.

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

Petition is disposed of. Order dasti.

MUKTA GUPTA, J.

APRIL 19, 2018
‘yo’