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

+ CRL.M.C. 4559/2018

PUNEET SAINI

..... Petitioner

Through Ms.Dalveer Kuar with Mr.R.B.Singh,
Advvs.

versus

STATE (GOVT OF NCT DELHI) & ANR Respondent

Through Ms.Manjeet Arya, APP with ASI
Rajendra, PS Maurice Nagar.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

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05.12.2018

1. Vide the present petition, the petitioners seek quashing of FIR No.0103/2017 u/s 304A IPC registered at P.S Maurice Nagar, Delhi on the basis of the Memorandum of Understanding dated 10.07.2017 executed between the petitioner no.1 and the respondent no.2.

2. Ms.Dalveer Kuar, learned counsel for the petitioner submits that the petitioner has been awarded a tenure for maintenance of electricity poles in the Delhi University and he had engaged the services of late Mr.Amit Kumar, s/o late Mr. Sudershan Kumar and Ms.Kanta Rani/respondent no.2, who is the only legal heir. However, due to an unfortunate incident the aforesaid late Mr.Amit Kumar got electrocuted and despite best efforts, he could not be revived. She further submits that based on a complaint subsequently aforesaid FIR

was registered at the behest of ASI Rajender Prasad.

3. Ms.Kaur submits that the parties have now entered into a Memorandum of Understanding dated 10.07.2017 and states that the petitioner has already paid the entire agreed amount of Rs. 9 lakhs to the respondent no.2/mother of late Mr.Amit Kumar. She further submits that the petitioner was not at all responsible for the incident and the death of late Mr.Amit Kumar was an unfortunate incident.

4. Ms.Kaur submits that the petitioner is willing to bear costs as may be directed by this Court and, therefore, prays that aforesaid FIR and all proceedings emanating therefrom be quashed.

5. The petitioner and the respondent no.2 alongwith her younger son Mr.Pankaj Chawla is present in Court and have been identified by the Investigating Officer. I have also interacted with the respondent no.2, who states that she has decided to resolve her differences with the petitioner of her own free will and has entered into the settlement without any coercion. She further states that she has received the entire agreed amount and does not want to pursue the aforesaid criminal proceedings as her son's death is not attributable to any wilful act of the petitioner and, therefore, does not want any further acrimony with the petitioners.

6. I have considered the submissions of the learned counsel for the parties and perused the record. Keeping in view the fact that the present FIR emanates from an unfortunate incident causing death of late Mr.Amit Kumar and the fact that the respondent no.2 herself does not wish to put any further blame on the petitioner and her being categorically stating that she has resolved all her disputes with the

petitioner, no useful purpose will be served in continuing the criminal proceedings. In my view, the ends of justice demand that the FIR and consequential proceedings be quashed.

9. Accordingly, the petition is allowed and the captioned FIR and consequential proceedings emanating therefrom are quashed, subject to the petitioner paying a further sum of Rs. 1 lakh to the respondent no.2 in the form of Demand Draft within one week from today. A copy of the receipt of payment of costs will be handed over to the Investigating Officer for production before the Trial Court.

10. The petition alongwith the pending application is disposed of in the above terms.

REKHA PALLI, J

DECEMBER 05, 2018

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