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

+ **W.P.(CRL) 2018/2017**

SADDAM @ SAHIL & ORS.

..... Petitioners

Represented by: Mr. Anilendra Pandey and
Mr. Priyanshu Upadhyay,
Advocates with petitioner in
person.

versus

THE STATE OF NCT OF DELHI & ORS. Respondents

Represented by: Mr. Jamal Akhtar, Advocate
for Mr. Rahul Mehra, Standing
Counsel for State with ASI Raj
Kumar, PS S.P. Badli.
Respondent Nos. 2 to 4 in
person.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

16.07.2018

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1. By the present petition, the petitioners seek quashing of FIR No. 346/2017 under Sections 287/304A IPC registered at PS Samaipur Badli, Delhi on the complaint of respondent No.2 Ali Akhtar, who is the cousin brother of the deceased Irshad Ali and the proceedings pursuant thereto on the ground that the parties have settled the matter.

2. Amended memo of parties has been handed over which is taken on record. Petitioner Nos. 1 to 4 are the accused against whom charge sheet has been filed. Respondent No.2 is the complainant and respondent No. 3 Ms. Anisha Khatoon, mother and sole legal heir of deceased Irshad Ali as he was

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unmarried and respondent No. 4 Abbas Sah, the father of the deceased Irshad Ali.

3. Learned proxy counsel for learned Standing Counsel for the State on instructions from Investigating Officer submits that the above-noted FIR was registered by respondent No.2 Ali Akhtar, when Irshad Ali died due to electrocution while working at the construction site wherein the contract was awarded to the company of petitioner No.2, petitioner No.3 was the Project manager and petitioner Nos. 1 and 4 were the Supervisors of the said contract. He states that charge sheet has since been filed and the four petitioners are the only accused and the respondent No. 2 the complainant and respondent No. 3 the only legal heir of the victim.

4. Respondent Nos. 3 is present in Court and is identified by the Investigating Officer. She states that she has settled the matter with the petitioners as the petitioners have adequately compensated her for the negligence caused by them. She has already received a sum of ₹1.40 lakhs and a further sum of ₹1 lakh has been received by her from the petitioners today in Court in cash. She also states that a sum of ₹60,000/- has been spent by petitioner No.1 for the expenses of lodging, transportation and cremation etc. In terms of the settlement she does not wish to pursue the above-noted FIR and the proceedings pursuant thereto.

5. Respondent Nos. 2 and 4, who are also present in Court and identified by the Investigating Officer also affirm the statement of respondent No.3.

6. Petitioners who are present in Court and are identified by the learned counsel affirm the statements of respondent No.2 and 3 and undertake to abide by the terms of the settlement arrived at between the parties.

7. 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, 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.

8. Consequently, FIR No. 346/2017 under Sections 287/304A IPC registered at PS Samaipur Badli, Delhi and proceedings pursuant thereto are hereby quashed.

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

10. Petition is disposed of. Order dasti.

MUKTA GUPTA, J.

JULY 16, 2018
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