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

+ CRL.M.C. 5909/2018

ANAND PANJWANI

..... Petitioner

Through Mr. Arvind Kumar and Mr. Shashi
Kiran, Advocate with petitioner in
person

versus

STATE (NCT OF DELHI) & ANR.

..... Respondent

Through Mr.M.S.Oberoi, APP
SI Satish, P. S.Sarita Vihar
Mr. Ajay Kumar, Advocate for R-2 &
R-3

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

% **26.11.2018**

Crl. M.A. 47903/2018 (exemption)

Allowed, subject to all just exceptions.

Application is disposed of.

CRL.M.C. 5909/2018

Learned counsel for the petitioner submits that Faizan aged 21 years is the son of late Zahir Khan and be impleaded as respondent no.3. Ordered accordingly.

Amended memo of parties be filed during the course of day.

Notice. Learned APP accepts notice on behalf of respondents no.2 and 3. Respondents no. 2 and 3 are present in the court with their counsel and they have also been identified by the SI Satish Police Station, Sarita Vihar.

Respondent no.2 is widow (wife of the deceased) and respondent no.3 is the son of deceased Zahir Khan who was a plumber.

Petitioner had engaged the deceased to carry out certain repair work. Late Zahir Khan along with respondent no.3 went to the roof of flat no. F-323, Sarita Vihar, Delhi to inspect the leakage, unfortunately, he slipped and fell down from the roof and sustained injuries. Deceased was removed to hospital by the respondent no.3 and FIR No. 344/2016 under Section 288 IPC was registered at Police Station Sarita Vihar. Deceased died in the hospital on 20.07.2016 i.e. after about a day and thereafter offence under Section 304A IPC was added.

It is submitted that the matter has been settled between the petitioner and respondent no.2 before the Deputy Labour Commissioner, New Delhi under the Workman Compensation Act on 5th September, 2018.

Learned counsel submits that late Zahir was not an employee of petitioner and the petitioner had simply engaged him for rectification of leakage in his house. However, the matter was taken up to the Commissioner of Employees Compensation and the parties participated in the proceedings and settled the matter. Petitioner has paid ₹4 lakhs to respondents no.2 and 3.

Respondent no.3 submits that he does not wish to take any compensation and entire compensation can be given to his mother i.e. respondent no.2.

Respondents nos. 2 and 3 submit that they have no objection in case FIR No. 344/2016 under sections 288/304A IPC, registered at Police Station Sarita Vihar is quashed.

Keeping in view the facts and circumstances of this case, as detailed above, I am of the opinion that no fruitful purpose would be served in keeping the criminal proceedings pending. Accordingly, aforesaid FIR

and the consequent proceedings emanating therefrom are quashed.

Petition is disposed of in the above terms. Miscellaneous application is disposed of as infructuous.

Dasti.

A.K. PATHAK, J

NOVEMBER 26, 2018

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