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

+ **CRL.M.C. 5834/2018 & Crl.M.A. Nos.47640-47641/2018**

SURJEET BAJAJ

..... Petitioner

Through: Mr.Sachin Mishra, Adv. with
petitioner in person.

versus

STATE & ANR

..... Respondents

Through: Mr.Mukesh Kumar, APP for the State
with SI Anand Prakash, PS Tilak
Nagar.
Mr.Lokik Sharma, Adv. for R-2 to 7
with R-2 in person..

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

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20.11.2018

1. Vide the present petition under Section 482 Cr.P.C., the petitioner seeks quashing of FIR No.325/2017 under Sections 288/304A of the IPC registered at Police Station Tilak Nagar, Delhi and all proceedings emanating therefrom, on the basis of a settlement arrived at between the parties on 01.08.2017.

2. Learned counsel for the petitioner submits that the petitioner has been carrying the business of construction and development of properties. While the process of development of property bearing no.196, Mukherjee Park, New Delhi was being undertaken one Shri Mohd. Faiyaz had been engaged at the site through the petitioner's contractor namely, Mohd. Farookh. He further submits that due to an

unfortunate mishap on 07.07.2017, the aforesaid Mohd. Faiyaz suffered serious injuries and even though all necessary steps were taken for his treatment, he succumbed to his injuries on 11.07.2017 leading to registration of the captioned FIR against the petitioner on the basis of a complaint by respondent no.2.

3. Learned counsel for the petitioner submits that though the petitioner was not responsible for the said accident as it was Mohd. Farookh who was the contractor at the site and was therefore responsible for looking after the day to day activities at the spot, keeping in view the fact that the respondent no.2 has lost her husband who while working at a construction site being developed by the petitioner, he has paid compensation of Rs. 3 lakhs to respondent nos. 2 to 7 by entering into a settlement with them. He further submits that the parties have decided to amicably resolve their disputes and states that besides spending a huge amount on the treatment of Late Mohd. Faiyaz, the petitioner has already paid the agreed amount of Rs.3 lakhs to the respondent no.2 to 7 and is further volunteering to pay additional costs as may be directed by this Court to take care of the needs of the five minor children of respondent no.2. He therefore, prays that the captioned FIR and consequential proceedings be quashed.

3. The petitioner and the respondent no.2 are present in Court and have been identified by the Investigating Officer. Respondent no.2 also represents the interest of respondent nos.3 to 7 who are her minor children. She is also represented by a counsel. I have interacted with the respondent no.2 who states that she has entered into the aforesaid

settlement with the petitioner of her own free will and without any coercion. She submits that she is living in a small village in Bihar and has to take care of her minor children, therefore, does not want the aforesaid proceedings to continue as the same would cause hardship to her also. She, therefore, prays that the captioned FIR and consequential proceedings be quashed.

4. I have considered the submissions of the learned counsel for the parties and perused the record. What transpires from the record is that the unfortunate death of Late Mohd.Faiyaz was due to an accident on the construction site, which the petitioner was not directly supervising. In these circumstances, once the respondent nos.2 to 7 have settled the matter with the petitioner and received compensation and do not want further continuation of the criminal proceedings specially in the light of the respondent no.2's statement that she wants to take care of her minor children, the continuation of the criminal proceedings will be an exercise in futility. The ends of justice demand that the FIR and consequential proceedings be quashed.

5. For the aforesaid reasons, the petition is allowed and the captioned FIR and all consequential proceedings are quashed, subject to the petitioners paying within a period of 2 weeks, a further sum of Rs.40,000/- each to the respondent nos.3 to 7 by way of interest bearing FDRs in their names, through their guardian Smt. Vivi Meharun. The principal amount of the FDRs would be released to the respondent nos.3 to 7 only on attaining the age of 18 years but the interest thereon would be released to them annually. However, in case, the respondent nos.3 to 7 need the said amount at an earlier

time, they would be at liberty to file an appropriate application before this Court. The original FDRs will be handed over to the Investigating Officer for onward transmission to the respondent no.2 and a copies thereof shall be retained by the Investigating Officer for production before the learned Trial Court.

6. The petition along with the pending applications is disposed of in the above terms.

NOVEMBER 20, 2018/gm

REKHA PALLI, J