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

+ W.P.(CRL) 3049/2017

RAJNI GUPTA

..... Petitioner

Represented by: Mr. Rama Shanker and Ms.
Seema Sharma, Advocates with
petitioner in person.

versus

THE STATE GOVT OF NCT OF DELHI & ANR Respondents

Represented by: Mr. Ashish Negi, Advocate for
Ms. Richa Kapoor, Additional
Standing Counsel for State with
SI Mukesh Kumar, PS
Bindapur.
Respondent Nos. 2, 3 and 4 in
person.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

18.07.2018

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Amended memo of parties has been handed over which is taken on record.

By the present petition the petitioner seeks quashing of FIR No. 660/2016 under Sections 288/304A IPC registered at PS Bindapur, Delhi on the complaint of respondent No.2 and the proceedings pursuant thereto on the ground that the parties have settled the matter.

Learned proxy counsel for learned Additional Standing Counsel for the State on instructions from Investigating Officer submits that the above noted FIR was registered on the complaint of respondent No.2 after her
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husband died due to collapse of the roof of the tenanted premises where respondent No.2 along with the husband, minor son and in-laws was residing. It is an admitted case of the complainant that the roof needed repair and was not being done by the petitioner whereas the petitioner claims that she had repeatedly requested the respondent No.2 and her family members to vacate the property so that the proper repairs could be carried out however, they did not vacate. In fact the in-laws of the complainant who are now respondent Nos. 3 and 4 did not even vacate thereafter for quite a long time.

Above noted FIR was registered on the death of Ashwani Kumar, husband of respondent No.2/complainant, son of respondent Nos. 3 and 4 and father of respondent No.5. Learned proxy counsel for the State submits that respondent No.2 besides being the complainant is a legal heir of Ashwani Kumar and besides respondent No.2, respondent Nos. 4 and 5, that is, his mother and minor son are the legal heirs of the deceased. He further states that the petitioner being the owner of the premises is the only accused.

Respondent Nos. 2, 3 and 4 are present in Court and are identified by the Investigating Officer. Respondent No.2 on her behalf and on behalf of her minor son/respondent No.5 and respondent Nos. 3 and 4 state that they have settled the matter with the petitioner vide Memorandum of Settlement dated 24th October, 2017, copy whereof is annexed as Annexure-P2 to the present petition. Petitioner has suitably compensated them and paid a sum of ₹1.25 lakhs each to respondent No.2, respondent Nos. 4 and respondent No.5. Respondent No. 2 has received two demand drafts for a sum of ₹1.25 lakhs each bearing No.663115 and 663116 dated 16th July, 2018 drawn on

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Federal Bank Ltd. in the names of Ansh and Ragni and respondent No. 4 has already received a sum of ₹1.25 lakhs. They state that in terms of the settlement they do not wish to pursue the above-noted FIR and the proceedings pursuant thereto.

The petitioner who is present in Court and is identified by the learned counsel affirms the statement of respondent Nos.2, 3 and 4 and undertakes to abide by the terms of the 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, 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. 660/2016 under Sections 288/304A IPC registered at PS Bindapur, 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.

JULY 18, 2018
‘vn’