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

+ CRL.M.C. 5012/2017

BIRJU

..... Petitioner

Through Mr. Mayank Mohan, Adv

versus

STATE (GOVT OF NCT DELHI) & ORS

..... Respondents

Through Mr. Izhar Ahmad, APP for State.

SI Rajesh Kumar, PS Janak Puri

Mr. S S Sidhu, Adv for R-2 to R-5

along with R-2 & R-5 in person.

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

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02.11.2018

Respondent no. 2-Smt. Asha is wife, respondent no. 3-Amita is minor daughter, respondent no. 4-Amit Yadav is minor son; whereas respondent no. 5-Champa Devi is mother of Late Sh. Raj Narayan Yadav (since deceased). Deceased was working as a labourer in a construction site, that is, A-2/53, Janak Puri, New Delhi-. On 13.03.2014 at about 7:00 pm deceased fell from the roof on the lift and died. This incident led to registration of FIR No. 275/2014 under Sections 288/304A IPC at police station Janak Puri against the petitioner. During the investigation, statements of Suraj and Phool Chand, who were also working at construction site, were recorded. Both of them stated that deceased was addicted to liquor. They stated that on 13.03.2014 at about 7:00 pm deceased was walking on the roof when he slipped and fell on the lift.

Learned counsel for the petitioner submits that no case of negligence is made out against the petitioner who was not even

present at the spot. Deceased died as he slipped from the roof under the influence of liquor. It is further submitted that though there was no negligence on the part of the petitioner yet he has settled the matter with legal representatives of the deceased, who have been impleaded as respondent nos. 2 to 5 in the present petition. Respondent nos. 2 and 5 are present in Court along with their counsel. They have been identified by SI Rajesh Kumar of police station Janakpuri.

Respondent no.5 submits that the settled amount may be paid to the wife of deceased, that is, respondent no.2, who is also looking after her as well as respondent nos. 3 & 4.

Respondent no.2 has already received ₹2 lacs. Petitioner has paid the remaining ₹2.50 lacs to respondent no.2 by way of demand draft, photocopy whereof is on record. Respondent no.2, for herself and on behalf of respondent nos.3 to 5 submits that she has no objection in case the aforesaid FIR and consequent proceedings emanating therefrom are quashed against the petitioner.

Keeping in mind the settlement arrived at between the petitioner and respondents voluntarily, in my view, no fruitful purpose would be served to keep the criminal proceedings pending. Accordingly, in the interest of justice, aforesaid FIR and the consequent proceedings emanating therefrom are quashed against the petitioner.

Petition is disposed of in the above terms. *Dasti.*

A.K. PATHAK, J

NOVEMBER 02, 2018/sm