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

+ CRL.M.C.4901/2017

ISHWAR

..... Petitioner

Through Mr. Pulkrit Sachdeva & Ms. Saloni
Sachdeva, Advs.

versus

THE STATE GOVT OF NCT OF DELHI & ORS. Respondents

Through Mr. M. P. Singh, APP for the State
with SI Prem Kumar PS Sangam
Vihar.

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

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16.05.2018

Learned counsel for the petitioner submits that petitioner had engaged a plumber (Late Shiv Kumar) for repairing overhead water tank in his house. The plumber came with his minor child Shambhu (respondent no.4). While he was repairing the watertank, inadvertently, he touched the metallic pipe with high tension wire of the neighbour's house and got electrocuted. The incident led to registration of FIR No. 307/2016 under Section 338 IPC at police station Sangam Vihar. However, after plumber succumbed to the injuries Section 304A IPC was added. Late Shiv Kumar was not an employee of petitioner. He was engaged by him one day prior to the incident only to repair the water tank. Though, petitioner is not responsible to pay any compensation but still he has settled the matter with the respondent no.2

(widow of deceased) and has paid ₹3,65,000/- to her.

Respondent no.2 is present in the court and has been identified by SI Prem Kumar of Police Station Sangam Vihar. Respondent nos.3 to 5 are minor and are being represented by their mother (respondent no.2). She states that she has settled the matter with the petitioner of her own free will and without any undue force, pressure or coercion and has no objection in case aforesaid FIR and consequent proceedings emanating therefrom are quashed. Affidavit of respondent no. 2 is also on record at pages 17 to 18.

Keeping in view the facts and circumstances of the case, the settlement arrived at between the petitioner and respondent no. 2 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.

Petition is disposed of in the above terms.

Dasti.

A.K. PATHAK, J

MAY 16, 2018/Pallavi