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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(CRL) 3915/2018 & Crl. M.A. No.50355/2018

MAHENDER SINGH

..... Petitioner

Through: Mr. Sitab Ali Chaudhary, Chaudhary Azharuddin
and Mr. Gufran Ali, Advocates with Petitioner in
person.

Versus

STATE & ORS.

.....Respondents

Through: Mr. Avi Singh, Additional Standing Counsel for
State with Mr. Tanuj Bhadana, Advocate with
SI Dharmendra Pratap Singh, P.S. Samaipur Badli.
Mr. Umesh Choubey, Advocate for Respondents
No. 2 and 3 with Respondents No. 2 and 3 in
person.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

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20.12.2018

The petitioner seeks quashing of an FIR bearing No. 0617 of 2018 dated 31.07.2018, registered at Police Station Samaypur Badli, Delhi under sections 287/304A of the Indian Penal Code, 1860. A person working under his directions and employment in his factory, died in the most gruesome manner. He virtually got chewed up in a machine. There is nothing on record to show whether the petitioner had legitimate electricity connection. On the contrary, Mr. Avi Singh, the learned Additional Standing Counsel for the State, submits that the Electricity Inspector has intimated the Investigating Officer that the machine, at which the deceased was engaged, was in violation of all safety regulations. The petitioner also has not produced any licence issued from the Licensing Authority so as to prove that he had the due sanction to run the factory.

The petitioner has offered an amount of Rs.4 lacs to the family of the

deceased. Accordingly, he has brought two Demand Drafts (DDs) bearing Nos. 175446 and 175447 in the sum of Rs.1 lac and 1.5 lac, dated 6th and 26th November, 2018, in favour of respondents No. 2 and 3 respectively, drawn on Kotak Mahindra Bank, Prashant Vihar, Delhi.. In addition, he has paid Rs.45,000/- in cash to the aforesaid respondents – parents of the deceased, through counsel. Remaining amount of Rs.85,000/- i.e. part payment of the agreed amount of Rs.4 lacs, shall be paid to them by 27.12.2018. In case of default, the case shall be listed on 08.01.2019.

The deceased was 18 years old. He is survived by his parents – respondents No. 2 and 3 and a younger brother, who is a minor and studying in school.

In the circumstances, the aforesaid DD of Rs.1.5 lacs shall be deposited in a Bank, near the residence of the parents in District Muzaffarpur, Bihar, in the account of Master Prince Kumar Pathak. Let the said amount be kept in an interest bearing FDR, to be renewed automatically every year till he attains the age of majority. Interest of the same shall be used for the schooling of the minor boy. The DD of Rs. 1 lac shall be deposited in the aforesaid bank, in a joint account of respondent Nos.2 and 3 and it shall be kept in an interest bearing FDR for a period of one year. Whereafter they may encash it and share it equally.

The petitioner shall pay the amount due to the family of the deceased, in terms of the Employees' Compensation Act, 1923 and other statutory liabilities. The learned counsel for the petitioners submits that the petitioner will endeavour to make the payment within one month from today, alongwith such penalty, as may be due under section 4 of the said Act.

The learned counsel for respondents No. 2 and 3 – parents of the

deceased, submits that appropriate measures will be initiated against the petitioner under the said Act.

The petition stands disposed-off in the above terms.

NAJMI WAZIRI, J.

DECEMBER 20, 2018

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