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

+ **W.P.(CRL) 3490/2019**

PRADEEP GUPTA & ANR

..... Petitioners

Through: Ms Payal Jain and Mr Sumit Kumar,
Advocates.

versus

STATE & ORS

..... Respondents

Through: Mr Amit Peswani, Advocate for Ms
Nandita Rao, ASC (Crl.) for State.
Ms Mansi Gupta, Advocate for R-2,
3, 4 and 5 with ASI Gulab Singh, PS
Nangloi.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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20.12.2019

CRL.M.A. 42745/2019

1. Allowed, subject to all just exceptions.

W.P.(CRL) 3490/2019

2. The petitioners have filed the present petition, *inter alia*, praying that FIR No.0264/2019 under Sections 287/337 of the IPC, registered with PS Nangloi and all proceedings emanating therefrom, be quashed.

3. The said FIR was registered on the basis of an information that one Mr Manoj S/o Late Shri Ramjag Singh had been injured while working in a factory in Mundka Area, Near Rajdhani Park Metro Factory. Mr Manoj had subsequently expired. A status report has been filed and it indicates that

investigation was carried out and it was found that the deceased had been injured while working in a godown (B-38/1, near Anmol Dharam Kanta, Nangloi) and not in a factory, as reported earlier.

4. Manoj was initially treated at Sonia Hospital, Nangloi and thereafter, referred to Maharaja Agarsen Hospital, Punjabi Bagh, West Punjabi Bagh, New Delhi. He was declared dead on 23.06.2019, while availing treatment at Navjeevan Hospital, Mangolpuri and an offence under Section 304A IPC, was also added in the FIR in question. Manoj was a daily wager, who had been hired to shift the particle boards in the godown in question. It is stated that a particle board had fallen on him and this had resulted in the injury.

5. The status report does not indicate that any incriminating evidence was found against the petitioners. There is no material on record to indicate that the shifting operation had been carried out on an inherently dangerous manner or any safety measures were lacking.

6. The present petition is premised on a settlement arrived at between the petitioners and respondent nos. 2 to 5 (the legal heirs of the deceased, Manoj). Respondent no.2 is the widow of the deceased and respondent nos. 4 and 5 are their minor children. Respondent no. 3 is the mother of the deceased. The petitioners have agreed to pay ₹7,40,000/- to the legal heirs of the deceased in full and final settlement of all claims. It is stated that the petitioners had also incurred expenses of about ₹10,00,000/- for treatment of the deceased at various hospitals. This fact had also been verified by the IO.

7. After examining the factual matrix and considering the above, this Court is of the view that ends of justice would be served in quashing the FIR in question.

8. Respondent nos. 2 and 3 are present in the Court and are identified by the IO. Both of them state that they have resolved all their disputes and differences between the petitioners. They also state that they have agreed to accept a sum of ₹7,40,000/- in full and final settlement of claims as well as their claims of the minors (respondent nos. 4 and 5). They join the petitioners in praying that the FIR in question be quashed.

9. The petitioners have handed over four demand draft of ₹1,85,000/- each to respondent nos. 2 and 3. The copies of the same are handed over and are taken on record. Two demand drafts are in favour of respondent no.2 and 3 respectively and the remaining two demand drafts are in favour of respondent nos. 4 and 5, who are minor children of the deceased. Respondent no.2 has accepted the said demand drafts on their behalf.

10. The demand drafts in favour of respondent nos. 4 and 5 shall be deposited in their bank accounts. The same would be invested in a fixed deposit, which shall be released to them on their attaining the age of 21 years. However, the interest on the said fixed deposit shall be paid to respondent nos. 4 and 5 on six monthly basis. The said interest will be paid to them through respondent no.2 (their mother) and would be remitted directed to her account (Jyoti Devi, Punjab National Bank, Rajpur Distt. Rohtas, Bihar, A/c No.6485000100135056, MICR Code 821024204, IFSC Code PUNB0648500). This shall continue till respondent nos. 4 and 5 attain the age of majority and thereafter, the interest shall be paid in their respective accounts.

11. This Court is informed that respondent nos. 4 and 5 do not have bank accounts. In this view, it is directed that bank accounts be opened in the

UCO Bank, Delhi High Court Branch, New Delhi in the name of respondent nos. 4 and 5. The Investigating Officer shall identify respondent nos. 4 and 5. And, the said bank accounts shall be opened on the strength of this order.

12. UCO Bank shall follow the mandate as indicated in the present order.

13. The FIR No. 0264/2019 under Sections 287/337 IPC, registered with PS Nangloi and all proceedings emanating therefrom, are quashed.

14. Respondent no. 2 and 3 shall sign this order as an acknowledgment of their statements recorded herein.

15. The petition is disposed of.

16. Order *dasti* under signatures of the Court Master.

VIBHU BAKHRU, J

DECEMBER 20, 2019
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