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

+ **W.P.(CRL) 667/2019**

AJIT KUMAR VARMA

..... Petitioner

Through: Mr Sajal Dhamija, Advocate.

versus

STATE & ANR.

..... Respondents

Through: Ms Nandita Rao, ASC (Crl.)
GNCTD.

SI Manish Kumar, PS Civil Lines.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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19.09.2019

1. The petitioner has filed the present petition, *inter alia*, praying that FIR bearing no. 0280/2018 under Sections 288/337 of the Indian Penal Code, 1860 (IPC), be quashed.
2. The FIR was registered at the instance of one Jhagdu Shah (respondent no.2), who was a relative of the victim (respondent no. 3). It was reported that respondent no.3 (the victim) had received an injury by falling from the roof and being injured by steel rods which were jutting upwards on the ground floor.
3. The principal allegation is that the site was inherently dangerous and the petitioner had not taken adequate steps to ensure that the workmen

working at the site were provided adequate safety.

4. The present petition is premised on the basis that the petitioner had settled his differences and disputes, in terms of settlement agreement dated 15.12.2018 whereby the petitioner had agreed to pay a sum of ₹75,000/- to respondent nos. 2 and 3.

5. Ms Nandita Rao, learned ASC appearing for the State states that insofar as the amount agreed to be paid to respondent no.3 is concerned, the same is on the lower side because respondent no.3 has suffered a temporary disability. According to her calculation, the minimum payment required to be paid is ₹4,00,000/-.

6. The petitioner is present in Court and is identified by his counsel. He states that a sum of ₹40,000/- has already been paid and undertakes to pay the further sum of ₹3,60,000/- to respondent no.3 within a period of one week from today.

7. Respondent nos. 2 and 3 are present in Court and they are identified by the Investigating Officer. They state that they have no further grievance or claims against the petitioner.

8. In view of the above, the present petition is allowed and FIR bearing no. 0280/2018 under Sections 288/337 of IPC, is quashed subject to the petitioner making a further payment of ₹3,60,000/- to respondent no.3 within a period of one week from today.

9. The petitioner and respondent nos. 2 and 3 shall sign this order as an acknowledgement of their statements/undertaking recorded herein.

10. The petition is disposed of in the aforesaid terms.

VIBHU BAKHRU, J

SEPTEMBER 19, 2019
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