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

Date of decision: 03.09.2019

+ CRL.M.C. 4400/2019

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..... Petitioner

Through: Mr. Praveen Chaturvedi, Adv. With
Ms. Jyoti Chaturvedi, Adv.

Versus

STATE GOVT. OF NCT OF DELHI & ORS. Respondents

Through: Mr. Hirein Sharma, APP for State
ASI Sukhbir Singh PS Tilak Nagar.

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

J U D G M E N T (O R A L)

CRL. M.A. 34956/2019

Allowed, subject to all just exceptions.

Application is disposed of.

CRL.M.C. 4400/2019 & CRL. M.A. 34957/2019

Vide the present petition, the petitioner seeks quashing of criminal proceedings arising out of FIR No.229/2017 dated 12.05.2017, registered at Police Station Tilak Nagar, for the offences punishable under Sections 287/304A IPC and all other proceedings emanating therefrom.

Notice issued.

Notice is accepted by learned APP for the State and respondent nos.2 & 3 are personally present in court and with the consent of the counsel for the parties, the present petition is taken up for final disposal.

The present petition is filed on the ground that the parties have settled their disputes and the respondent Nos. 2 and 3 have no objection if the present petition is allowed.

Respondent Nos.2 &3 are personally present in Court with her counsel and they have been identified by ASI Sukhbir Singh/IO.

They state that the matter has been settled and they have received compensation from Employees Compensation Commissioner, Delhi.

Moreover, the petitioner had offered employment to respondent no.2 (widow of the deceased), however, she declined for the same as she could not stay in Delhi after the death of her husband.

Respondent no.3/complainant is the co-employee of the deceased and he has no objection if the present petition is allowed.

In the present case, chargesheet has already been allowed, however, charges have not been framed. Though the respondents have agreed not to prosecute the petitioner any further, this court is not inclined to allow the present petition on the ground that in the present case, the deceased has two

minor children and widow and received compensation of an amount of ₹8,06,640/- along with interest @ 12% w.e.f. 11.06.2017 from Employees Compensation Commissioner, Delhi. Though the said compensation has been received from the statutory authority and since the petitioner has come for quashing of criminal proceedings arising out of the aforesaid FIR, therefore, this court feels it appropriate to give some more compensation to the widow so that she can look after her school going children aged 13 years and 10 years.

At this stage, learned counsel for the petitioner, on instructions from the petitioner, who is personally present in court, has come forward and agreed to pay an amount of ₹1 lac each in favour of the minor children of the deceased.

In view of above facts and circumstances, in the interest of justice and for the welfare of the children of the deceased, further keeping in view the settlement arrived at between the parties, I hereby quash the FIR No.229/2017 dated 12.05.2017, registered at Police Station Tilak Nagar, for the offences punishable under Sections 287/304A IPC and all other proceeding emanating therefrom.

The petitioner is directed to issue two FDRs of ₹1 lac each in the name of the minor children of the deceased with renewal mode and that the amount shall be released in favour of the children after attaining the majority.

I hereby make it clear that for the purpose of educational requirement of the children, if the widow of the deceased feels that she needs money, she may approach this court, accordingly.

Petition is accordingly allowed and disposed of.

The aforesaid directions shall be complied with within two weeks from the receipt of this order. The trial court shall ensure compliance of the order/directions passed by this court.

Pending application also stands disposed of.

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

(SURESH KUMAR KAIT)
JUDGE

SEPTEMBER 03, 2019

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