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

+ CRL.M.C. 822/2018

ISHWAR JAIN

..... Petitioner

Through: Mr. Sunil Dahiya, Adv. with
petitioner in person.

versus

THE STATE GOVT OF NCT OF DELHI & ANR..... Respondents

Through: Mr. Mukesh Kumar, APP for State
with ASI Kiran Pal, P.S. Ashok
Vihar.

Respondent nos. 2 and 3 in person.

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

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13.02.2019

On the oral prayer made by the learned counsel for the petitioner, children and mother of deceased-Ajit Kumar are impleaded as respondent nos. 4 to 6. Amended memo of parties is taken on record.

Respondent no. 2 is widow of deceased; whereas respondent nos. 3 and 4 are parents and respondent nos. 5 and 6 are children of deceased. Learned counsel for the petitioner submits that petitioner is owner of factory situated at A-63/1, Wazirpur Industrial Area, Delhi. He had engaged Mr. Upender Kumar Dass to raise construction at the second floor of his factory. Deceased was engaged by Mr. Upender Kumar Dass as one of the labourers. While working at the second floor deceased came in touch with an electric

wire and got electrocuted. It is contended that petitioner being owner of the factory is not responsible for any negligence on the part of the contractor and it is the contractor who has to take all the safety measures. However, petitioner has settled the matter with respondent nos. 2 to 6 amicably, inasmuch as, compensated them by paying total ₹4.75 lacs. Out of the total settled amount, ₹50,000/- in cash, ₹2.75 lacs by way of demand draft and FDRs for ₹75,000/- each, in favour of respondent nos. 5 and 6, have been paid to respondent no.2. It is prayed that FIR No. 221/2017 under Sections 287/304A IPC registered at police station Ashok Vihar and the consequent proceedings emanating therefrom may be quashed in view of the aforesaid settlement.

Respondent nos. 2 and 3 are present in Court and have been identified by ASI Kiran Pal of police station Ashok Vihar. Respondent nos. 2 and 3 submit that matter has been settled with petitioners of their own free will and without any undue force, pressure or coercion. Respondent no. 3 submits that he and his wife, that is, respondent no. 4, do not claim any compensation and the entire compensation may be given to respondent nos. 2, 5 and 6. He further submits that they are residents of Bihar and respondent no. 4 could not come to Court as she is suffering from her

ailments. However, he has instructions from respondent no. 4 to state before this Court that she has no objection in quashing of the FIR. Respondent no. 2 submits that she has settled the matter with petitioner on her behalf and also on behalf of her minor children, that is, respondent nos. 5 and 6. She has no objection in case FIR is quashed. Affidavit of respondent no.2 is also on record to this effect.

Keeping in mind the settlement arrived at between the petitioner and respondent nos. 2 to 6 voluntarily, in my view, no fruitful purpose would be served in keeping 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.

FEBRUARY 13, 2019

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