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

+ **W.P.(CRL) 2893/2019**

RAJESH GUPTA

..... Petitioner

Through: Ms Jyoti Gupta, Advocate.

versus

STATE & ANR.

..... Respondents

Through: SI Sonu Kumar, PS GTB Enclave.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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20.11.2019

CRL.M.A. 37996/2019

1. Allowed, subject to all just exceptions.

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2. The petitioner has filed the present petition, *inter alia*, praying that FIR No. 0042/2017 under Sections 287/338 of the IPC, registered with PS G.T.B. Enclave and all proceedings emanating therefrom, be quashed.

3. The said FIR was registered at the instance of respondent no.2. Respondent no. 2 is present in Court and is identified by the investigating officer. He states that he has resolved all disputes and differences with the petitioner. He joins the petitioner in praying that the FIR in question be

quashed.

4. The petitioner is also present in the Court and is identified by his counsel. It is stated that respondent no. 2 had suffered an injury, as a rock holding the lift had collapsed and the lift had fallen down. On a pointed query made by the Court to the learned counsel appearing for the petitioner as well as to the learned counsel appearing for the State, it is noticed that the petitioner did not have any licence to operate the said lift.

5. Given the circumstances of this case and the statements made by the petitioner and respondent no. 2, this Court considers it apposite to allow the present petition and quash the FIR in question subject to the petitioner depositing a cost of ₹25,000/- with the Delhi Police Martyrs' Fund. The petitioner undertakes to file the receipt of the same within a period of two weeks from today.

6. In view of the statements made by the petitioner and respondent no. 2, this Court considers it apposite to allow the present petition.

7. Accordingly, FIR No. 0042/2017 under Sections 287/338 of the IPC, registered with PS G.T.B. Enclave and all proceedings emanating therefrom, are quashed.

8. It is clarified that quashing of the FIR in question would not absolve the petitioner of being subject to any other proceedings under any other law, if the same is violated.

9. The concerned parties (petitioners and respondent no.2) shall sign this order as an acknowledgment of their statements recorded herein.

10. Ordre *dasti* under signatures of the Court Master.

NOVEMBER 20, 2019
MK

VIBHU BAKHRU, J