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

Date of decision: 27.11.2019

+ CRL.M.C. 5963/2019

AJIT MITTAL

..... Petitioner

Through Ms. Neha Kapoor, Adv. with
petitioner in person

versus

STATE & ORS

..... Respondents

Through Mr. Izhar Ahmed, APP for State
SI Ramesh, PS Mundka
Respondent nos. 2 to 4 in person

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

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

1. Vide the present petition, the petitioner seeks quashing of FIR No. 271/2015, dated 13.05.2015, u/s 287/304A IPC registered at P.S. Mundka and all the consequent proceedings emanating therefrom.

2. Respondent nos.2 to 4 are the only legal heirs of the deceased Aakash wherein respondent no.2 is the father of the deceased, respondent no.3 is minor daughter of the deceased and respondent no.4 is widow of the deceased.

3. It is the case of the prosecution that the deceased was working as a helper in the factory namely, Flowmech Engineers Pvt. Ltd., wherein the petitioner is the Managing Director. The deceased unfortunately died in an accident while working in the factory of Petitioner and consequently, the aforementioned FIR was registered.

4. The present petition has been filed on the basis of settlement arrived at between the respondent nos.2 to 4 on one hand and the petitioner on the other and pursuant to the said Memorandum of Understanding dated 16.10.2019, the respondent nos.2 to 4 have decided not to pursue any criminal proceedings against the petitioner.

5. As per the settlement, the petitioner has agreed to pay a sum of ₹ 4 lacs to respondent no.3 and 4 as compensation and education of respondent no.3, minor daughter of deceased Aakash, out of which ₹2 lacs already stand paid to respondent no.2 and the petitioner has handed over a demand draft bearing no.020694 dated 26.11.2019 drawn on HDFC bank for the balance amount of ₹2 lacs to respondent no.2 in the Court today. Besides the aforesaid amount of ₹ 4 lacs, respondent no.3 is also getting pension of ₹8,000/- per month from ESIC.

6. In terms of settlement, it has further been mutually agreed between the parties that the petitioner shall pay a sum of ₹1.5 lacs to respondent no.2, father of the deceased, out of which ₹1 lac already stands paid and balance amount of ₹50,000/- has been paid in cash by the petitioner to respondent no.2.

8. Apart from the above, the petitioner has undertaken before the Court that henceforth, he shall bear all educational expenses including uniform, books etc., of respondent no.3, the minor daughter of the deceased Aakash.

7. Respondent nos. 2 to 4, who are personally present in Court, have been identified by SI Ramesh, PS Mundka, IO of the case. Respondent no.4, on behalf of her minor daughter respondent no.3, and respondent no.2, jointly submit that in view of the settlement and since the entire settled amount stands received by them, they have no objection in case the aforementioned FIR and consequent proceedings emanating therefrom are quashed qua the petitioner.

8. Taking into account the aforesaid facts, this Court is inclined to quash the concerned FIR as no useful purpose would be served in prosecuting the petitioners any further.

9. For the reasons afore-recorded, FIR No. 271/2015, dated 13.05.2015, u/s 287/304A IPC registered at P.S. Mundka and all the consequent proceedings emanating therefrom are quashed.

10. The petition is allowed accordingly.

Dasti.

NOVEMBER 27, 2019

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**(SURESH KUMAR KAIT)
JUDGE**



न्यायमेव जयते