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

Date of decision: 27.11.2019

+ CRL.M.C. 759/2017

PARAMJEET SINGH Petitioner
Through Adv. (appearance not given)

versus

STATE & ORS Respondents
Through Mr. Panna Lal Sharma, APP for State
with SI Rajendra Dhoka, PS Rajouri
Garden
Respondent nos.2&3 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. 457/2013, dated 04.08.2013 registered at Police Station Rajouri Garden for the offences punishable under section 287/304A IPC.
2. The present petition has been filed on the ground that the settlement has been arrived at between the parties vide settlement deed executed on 18.08.2013. Pursuant to the settlement, respondent nos.2 & 3 do not want to pursue the case further against the petitioner.
3. Notice issued.

4. Notice is accepted by learned APP for the State.
5. With the consent of the counsel for the parties, the present petition is taken up for final disposal.
6. Case of the prosecution is that the deceased/victim used to work for petitioner in his firm running in the name and style of M/s. Novelty Silk Emporium at J-86, Main Market, Rajouri garden, Delhi. The said worker unfortunately fell down on 04.08.2013 from the second floor in the lift and suffered injuries. The petitioner took the injured to hospital where doctor declared him brought dead.
7. Respondent no.2 is wife and respondent no.3 is married daughter of the victim.
8. As per the settlement deed executed on 18.08.2013, the petitioner has agreed to pay an amount of ₹.1,50,000/- as compensation amount thereafter the petitioner agreed to pay an additional amount of ₹50,000. However, the petitioner has already paid an amount of ₹2,30,000/- in favour of respondent nos.2 & 3 and the said amount has not been disputed by the said respondents.
9. Respondent nos.2 & 3 are personally present in Court and submit that the matter has been settled and pursuant to settlement they received an

amount of ₹2,30,000/- and do not want to pursue the matter.

10. Learned APP appearing on behalf of State has opposed the present petition by submitting that the victim, at the time of death, was aged about 55 years old and he died due to the negligence of the petitioner and amount is meagre to compensate the death of a person who left wife and three dependant children behind. He further submits that if this Court is inclined to quash the FIR, the amount may be increased and heavy cost may be imposed upon the petitioner.

11. At this stage, learned counsel for the petitioner, on instructions, from the petitioner who is present in person has agreed to pay an amount of ₹5,00,000/- in addition to the aforesaid amount. He seeks two months time to pay the total amount of Rs.5,00,000/- by demand draft in favour of the respondent no.2 (widow of the deceased).

12. Keeping in view of settlement arrived at between the parties and in the interest of justice, I hereby quashed the FIR with emanating proceedings thereof.

13. As agreed, the petitioner shall pay an amount of ₹.5,00,000/- by way of demand draft in favour of respondent no.2 within six weeks from today, failing which the respondent nos.2 & 3 are at liberty to get revive the FIR.

14. As informed, the date fixed before the Trial Court is 02.12.2019, accordingly, Trial Court is directed to fix the matter after six weeks from the next date of hearing to ensure that the amount has been paid by the petitioner.

15. The IO of the case shall inform the respondent no.2 the date fixed before the Trial Court for receiving the money and ensure her presence before the Trial Court.

16. The petition is allowed and disposed of accordingly.

17. Order *dasti*.

(SURESH KUMAR KAIT)
JUDGE

NOVEMBER 27, 2019
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