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

+ **W.P.(CRL) 1544/2018**

NISHIT JINDAL

..... Petitioner

Represented by: Mr. R.N. Sharma and Mr. Deepak
Kumar, Advocates.

versus

STATE (GOVT OF NCT OF DELHI) & ORS..... Respondent

Represented by: Mr. Ashish Aggarwal, ASC with Mr.
Piyush Singhal, Advocate with SI Uday
Singh, PS Bawana.
Mr. Shaad Anwar and Mr. Shabnam
Shaad, Advocates for R-2 and R-3.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

10.01.2019

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By the present petition the petitioner seeks quashing of FIR No. 180/2018 under Sections 287/304A IPC registered at PS Bawana, Delhi on the complaint of Respondent No. 2 and the proceedings pursuant thereto on the ground that the parties have settled the matter.

Learned Additional Standing Counsel for the State on instructions submits that on investigation it was found that the deceased, son of respondent Nos. 2 and 3, was repairing the lift and while repairing the lift, he fell down accidentally. He further states that the petitioner is the only accused in the above noted FIR as the deceased was working under his supervision and respondent Nos. 2 and 3, the legal guardians of deceased Adil.

Respondent Nos. 2 and 3 who are present in Court and are identified by the learned counsel and Investigating Officer state that they have settled the
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matter with the petitioner pursuant where to the petitioner has paid a sum of ₹7 lakhs by way of Demand Draft Nos. 769494 and 769496 drawn on IndusInd Bank dated 26th November, 2018 to compensate the negligence if any of the petitioner in installing the lift. Thus they do not wish to pursue the abovementioned FIR and the proceedings pursuant thereto and the same be quashed.

Petitioner who is present in Court and is identified by the learned counsel affirms the statement of respondent Nos. 2 and 3 and undertake to abide by the terms of settlement arrived at between the parties.

In view of the fact that the parties have settled the matter and even as per the evidence collected till date the falling of the deceased which was being repaired by the deceased was accidental in nature. With no evidence forthcoming of any negligence on the part of the petitioner, it would be in the interest of justice to quash the abovementioned FIR and the proceedings pursuant thereto. There is no legal impediment in quashing the FIR in question.

Consequently, FIR No. 180/2018 under Sections 287/304A IPC registered at PS Bawana, Delhi and proceedings pursuant thereto are hereby quashed.

Parties have signed this order sheet in acknowledgment of their statements made before this Court.

Petition is disposed of. Order dasti.

MUKTA GUPTA, J.

JANUARY 10, 2019
‘yo’

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