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

+ CRL.M.C. 2798/2018 and Crl. M.A. No. 33024/2018

SURAJ BALI YADAV & ANR Petitioners
Through Mr. Sharique Hussain, Adv. with
petitioners in person

versus

THE STATE (NCT OF DELHI) & ORS. Respondents
Through Mr. Raghuvinder Verma, APP with
ASI Devender Kumar, P.S. Uttam
Nagar
Respondent nos. 2 and 3 in person

CORAM:
HON'BLE MR. JUSTICE A.K. PATHAK

ORDER
% **28.01.2019**

It is submitted that petitioners were the employees of BSES Ltd. at the relevant time, that is, in the year 2010. Petitioner no. 1 was working as Junior Engineer; whereas petitioner no. 2 was working as Senior Shift Officer. Deceased was a mason. He was fixing tiles in the balcony of 2nd floor of house no. A-115, Pratap Enclave, Mohan Garden, Uttam Nagar, Delhi on 29th August, 2010 when he came in touch with the electricity cable passing near the said house. It is further submitted that the aforesaid house is situated in an unauthorised colony, wherein balcony was encroached.

Respondent no. 2 is wife of deceased. Respondent no. 3 is father of deceased. Respondent nos. 4 and 5 are children of deceased. Respondent nos. 4 and 5 are minor. Respondent nos. 2 and 3 are present in Court and have been identified by ASI Devender Kumar of police station Uttam Nagar. It is further submitted that petitioners and respondent no. 2 have settled the matter before the Delhi High Court Mediation and Conciliation Centre on 5th September, 2018. Respondent nos. 4 and 5 have settled the matter through their mother, that is, respondent no. 2. It is noted that during the hearing on 28th September, 2018 petitioners had agreed to pay another sum of ₹1,00,000/- to respondent no. 2. Respondent no. 2 says that she has received the entire settled amount of ₹3,50,000/- with this payment. Respondent no. 3 submits that he does not wish to take any amount from the petitioners. Respondent nos. 2 and 3 say that they have no objection in case FIR no. 286/2010 under Section 304-A IPC registered at police station Uttam Nagar and consequent proceedings emanating therefrom are quashed.

Keeping in mind the facts and circumstances of this case, as detailed above and the fact that petitioners and respondent nos. 2 to 5 have settled the matter before the Mediation Centre and that petitioner no. 1 has already retired from service, in my view, no fruitful purpose would be served to

keep the criminal proceedings pending. Accordingly, in the interest of justice, aforesaid FIR and consequent proceedings emanating therefrom are quashed.

Petition is disposed of in the above terms. Miscellaneous application is disposed of as infructuous.

Dasti.

A.K. PATHAK, J.

JANUARY 28, 2019

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