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

+ **W.P.(CRL) 3105/2018**

VIJAY MITTAL

..... Petitioner

Through: Mr. Krishan Kumar, Mr. Rajesh
Mishra and Mr. S.P. Nangia,
Advocates.

Versus

THE STATE & ANR

..... Respondents

Through: Ms. Kamna Vohra, ASC for State
with Head Constable Amit Kumar,
PS-Ashok Vihar.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

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06.03.2019

This petition seeks quashing of FIR No. 272/2018 registered under sections 287/337 IPC at Police Station, Ashok Vihar, Delhi, on the basis of a settlement arrived at between the parties on 03.10.2018. The complainant/Respondent no. 2 was injured while under the employment of the petitioner. His injury was simple in nature. He has received his salary for entire month. He received 15 day's salary from the petitioner and 15 day's from the ESI Corporation. The expenses towards medical care have also been met. The settlement is between employer and employee. The employee continues to be under the employment of the petitioner. In addition, an amount of Rs. 30,000/- has also been paid to the complainant/respondent no. 2, through his counsel, in terms of the settlement arrived at between the parties.

The parties are present in the Court and have been identified by the Investigating Officer. Since the complainant himself does not wish to pursue

the complaint against the petitioner, the substratum of the complaint/FIR dissipates and any further proceeding apropos the same FIR would be an exercise in futility. It would, therefore, be in the interest of justice to quash the FIR in question.

Following the dicta of the Supreme Court in *Gian Singh Vs. State of Punjab and Another (2012) 10 SCC 303* and *Narinder Singh & Ors. Vs. State of Punjab & Anr. 2014 6 SCC 466*, a case is made out for quashing of the FIR.

Accordingly, the aforesaid FIR and all the proceedings arising therefrom are quashed.

At this stage, the learned counsel for the petitioner submits that as an expression of the contrition of the petitioner having caused the unnecessary burden upon the administrative machinery engaged in the maintenance of law and order, he is ready and willing to undertake to do some social work as may be assigned by the Court. Accordingly, the petitioner shall report before the Deputy Conservator of Forests (North) on 18.03.2019 at 11.00 am, who shall assign him duties to plant 20 trees after identifying government lands under his jurisdiction. The plants/trees shall be of deciduous indigenous variety with a nursery age of three and a half years, and a height of at least six feet. Depending upon the soil type and topography, the DCF may consider the following types of trees for plantation:-

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| (i) Gular (Cluster Fig) | (ii) Kadamba (Burflower Tree) |
| (iii) Pilkhan (White Fig) | (iv) Jaamun (Black Plum) |
| (v) Bargad (Banyan Tree) | (vi) Mango |
| (vii) Amaltas (Golden Shower) | (viii) Mahua (Butter Tree) |
| [Indian Laburnum] | |

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|-------------------------|-------------------------------------|
| (ix) Putranjiva | (x) Badh |
| (xi) Sagwan (Teak Wood) | (xii) Safed Siris (Albizia Procera) |
| (xiii) Kala Siris | (xiv) Anjeer |
| (xv) Kathal- Jackfruit | (xvi) Palash |
| (xvii) Arni | (xviii) Bistendu |
| (xix) Rohida | (xx) Medshingi |

An affidavit of compliance shall be filed by the petitioner as well as the DCF on or before 23.04.2019, failing which the Registry shall list the case for directions. Aerial pictures, prior to and after the afore-directed plantation, shall be obtained by the DCF and filed alongwith his affidavit. Similar quarterly updates shall be obtained by him to monitor and ensure the upkeep of the said plantation. A Report of the same shall be filed six months after the plantation, alongwith fresh photographs to show the health/status of the plantation. In case of default, the Registry shall list the case for directions.

The petition stands disposed-off in the above terms.

NAJMI WAZIRI, J

MARCH 06, 2019

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