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

Date of decision: 03.03.2020

+ CRL.M.C. 1215/2020

M/S SREX POWER INDIA PVT. LTD. & ORS Petitioners
Through Mr.Gulshan Chawla, Adv.

versus

STATE & ORS Respondents
Through Mr. Hirein Sharma, APP for State.
Mr.Gulshan Chawla, Adv. with
Ms.Smriti, Ms.Mehr & Ms.Pragya
Verma, Advs. for R-2 to 4 with R-2 to
4 in person.
SI Rahul Soni PS C.R. Park.
SI Anil Rathod PS Greater Kailash-I.

CORAM:
HON'BLE MR. JUSTICE SURESH KUMAR KAIT

J U D G M E N T (ORAL)

CRL. M.A. 4717/2020

1. Allowed, subject to all just exceptions.
2. Application is disposed of.

CRL.M.C.1215/2020 & CrI.M.A. 4716/2020

3. Vide the present petition, petitioners seek direction thereby for quashing of FIR No.94/2017 dated 24.05.2017, registered at PS – Greater Kailash and all other proceedings arising therefrom.

4. Notice issued.

5. Notice is accepted by learned APP for State and by counsel for respondent nos.2 to 4 and with the consent of counsel for parties, the present petition is taken up for final disposal.

6. The present petition is filed on the ground that parties have settled their disputes and respondent Nos. 2 and 3 have no objection if the present petition is allowed.

7. Petitioners and respondent no.2 have entered into an amicable settlement vide settlement deed dated 14.08.2018.

8. Respondent Nos. 2 & 4 are personally present in Court and they have been identified by SI Rahul Soni/IO and submit that matter has been settled and they do not wish to prosecute the matter any further. Respondent no.3 is being represented by her brother, namely, Mr. Sheikh Hamidur Rehman who is personally present in Court and the power of attorney is on record.

9. Learned APP has opposed the present petition and submits that due to this case, respondent no.4 has suffered serious injuries due to which he has become bed ridden. He has one minor child and nobody is there in the family of injured to look after his child and further submits that if this Court is inclined to quash FIR, compensation may be increased.

10. Learned counsel for petitioners on instructions from petitioners, who are personally present in Court, has come forward to pay further amount of ₹1.5 lacs in favour of respondent no.3 and also an amount of ₹5 lacs by way of FDR in the name of minor child, namely Litan Khan (son of the respondent nos.3&4).

11. Accordingly, petitioners are directed to pay an amount of ₹1.5 lacs in addition to settlement amount of ₹8.5 lacs in favour of respondent no.3.

12. Counsel for petitioners has handed over Demand Draft bearing no.516828 dated 02.03.2020 for an amount of ₹8.5 lacs and a cheque bearing no.473313 dated 03.03.2020 for an amount of ₹1.5 lacs both in favour of respondent no.3.

13. In addition to above mentioned amount, this Court has further directed petitioners to pay an amount of ₹5 lacs by way of FDR in the name of minor child (son of respondent nos.3&4) within two weeks. The said FDR shall remain in auto renewal mode and respondent nos.3 & 4 are at liberty to utilize the interest amount of aforesaid FDR for their survival as well as for welfare of their son. The FDR amount shall be withdrawn at the stage of maturity.

14. However, it is made clear that if respondent nos.3 & 4 are in a dire

need of money, meanwhile, they may approach this Court and determine the reasons of premature withdrawal of fixed deposit.

15. Accordingly, petitioners are also directed to furnish the photocopy of the said FDR to the IO concerned.

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

17. For the reasons afore-recorded, FIR No.94/2017 dated 24.05.2017, registered at PS – Greater Kailash and consequent proceedings emanating therefrom are hereby quashed.

18. The petition is, accordingly, allowed and disposed of.

19. Pending application stands disposed of.

20. Order *dasti*.

(SURESH KUMAR KAIT)
JUDGE

MARCH 03, 2020
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