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

Date of decision: 11.03.2020

+ CRL.M.C. 1309/2020 & CRL.M.A. 5025/2020

MUSTAKIM ANSARI

..... Petitioner

Through

Md.Kausar Perwez, Adv.

Mr.O.P. Pahuja, Adv. for owner and
possession holder.

versus

STATE & ANR.

..... Respondents

Through

Ms. Neelam Sharma, APP for State.

ASI Krishan Kumar PS Narela.

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, petitioner seeks direction thereby for quashing of FIR No.184/2016 dated 30.03.2016, registered at Police Station Bawana and all other proceedings arising therefrom.

2. Present petition is filed based upon settlement arrived between petitioner and mother of deceased, who died on 30.03.2016 due to electric shock while working at J-38, Sector-4, DSIIDC, Bawana Industrial Area, Delhi.

3. Petitioner and respondent no.2 with the intervention of their well wishers and relatives entered into an amicable settlement vide compromise deed dated 20.02.2020 and settled all their disputes amicably. In view of the settlement, an amount of Rs.1.5 lacs has been paid in court vide cheque no.641524 dated 11.03.2020 drawn on Punjab National Bank, Barwala, Delhi in the name of mother of the deceased/respondent no.2.

4. Present petition was listed for the aforesaid purpose on 06.03.2020 and learned APP had opposed the present petition by stating that the owner of factory has not been made accused in the present case, even though deceased died due to electrocution from water operating machine, while working at his factory. However, petitioner herein was executing plumbing work, on contract basis, in that factory. She further submits that if this Court is inclined to quash the FIR, the owner of factory may be directed to compensate legal heirs of the deceased.

5. Accordingly, vide order dated 06.03.2020, IO was directed to produce the owner of factory before this Court. Pursuant thereto, Mr.Raj Singh, owner of the factory is present in Court and submits that he is simply owner of the premises, however, his son Shri Bhagwan is running the business from the said factory who is also present in court today.

6. However, learned counsel for the owner and his son has come forward on their instructions and submits that above-named persons are ready to pay ₹5 lacs in addition to the settlement arrived at between the parties. Accordingly, Shri Bhagwan has issued cheque bearing no.641543 dated 11.03.2020 drawn on Punjab National Bank, Barwala, Delhi for an amount of ₹5 lacs in favour of mother of the deceased in Court.

7. Respondent No.2/mother of deceased along with her son, namely Nitesh Kumar, is personally present in Court and she has been identified by ASI Krishan Kumar/IO and submits that matter has been settled and she does not wish to prosecute the matter any further.

8. Keeping in view the settlement arrived at between the parties and the fact that above-named persons have compensated her by giving an additional amount, this Court is inclined to quash FIR as no useful purpose would be served in prosecuting petitioner any further.

9. It is made clear that all the above cheques shall be honoured failing which proceedings under Contempt of Court shall be initiated against Shri Bhagwan, son of the owner of the factory.

10. The Bank Manager of Allahabad Bank, Bangaon, Bihar is directed that on receipt of above-mentioned cheques, an amount of Rs.6 Lacs be

invested in FDR for three years with auto renewal mode and an amount of Rs.50,000/- shall be kept in Savings

11. Bank Account bearing No.59134387793 of respondent No.2.

12. The said bank is further directed to release quarterly interest accrued on FDR in favour of account holder.

13. Respondent No.2/mother of the deceased is directed to send copy of FDR to the IO for information.

14. Liberty is granted to mother of the deceased to withdraw maximum amount of Rs.1 Lac at the time of marriage of her son (Nitesh Kumar) and Rs.1.5 Lacs on the marriage of her daughter (Pinki Kumari).

15. On withdrawal of above-mentioned amount, the Bank Manager is directed to again invest balance amount in FDR for further three years with auto renewal mode, however, quarterly interest thereon, shall be paid to respondent No.2/mother of deceased.

16. It is further directed that this FDR shall not be used for taking loan etc.

17. In view of above, FIR No.184/2016 dated 30.03.2016, registered at Police Station Bawana and consequent proceedings emanating therefrom are quashed.

18. The petition is, accordingly, allowed and disposed of.
19. Pending application stands disposed of.
20. Order *dasti*.

(SURESH KUMAR KAIT)
JUDGE

MARCH 11, 2020
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