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

% *Date of decision: 13.10.2020*

+ CRL.M.C. 1809/2020 & CrI.M.A. 12720/2020

LOKESHH GOYAL

..... Petitioner

Through Mr.Giriraj Subramaniam, Adv. with
Mr.Simarpal Singh Sawhney, Adv.

versus

STATE OF NCT OF DELHI

..... Respondent

Through Mr.Panna Lal Sharma, APP for the
State.
Complainant in person through
Video Conferencing.
IO Varun.

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

J U D G M E N T (O R A L)

The hearing has been conducted through video conferencing.

1. Vide the present petition, petitioners seek direction thereby for quashing of Judgment/ Order dated 22.06.2020 passed by the Ld. Additional and Session Judge, South, Saket Courts in CR. No. 466 of 2019 and Order dated 30.07.2019 passed by Ld. MM-06/South/ Saket Courts in Case No. 615 of 2019 passed in connection with FIR bearing No. 78/2017 dated 28.02.2017, registered under Section - 228/ 304A, Police station Hauz Khas,

New Delhi.

2. Learned APP has raised the objection that Contractor namely Dharamvir which is necessary party has not made party in the present petition.

3. On oral request of counsel for the petitioner, I hereby implead Contractor, Mr.Dharamvir, as petitioner no.2.

4. Let amended memo of parties be filed.

5. Learned counsel for petitioner submits that since the parties have settled their disputes and complainant has no objection if the present petition is allowed. Thus, proceedings emanating from present FIR may be quashed.

6. Pursuant to order dated 16.09.2020, learned APP after taking instructions from the legal heir of the deceased appeared before this court on 12.10.2020 and submitted that widow has lost her young husband, however, only an amount of Rs.6,50,000/- was given as compensation to her from the Court of Commissioner Employees Compensation, Labour Department, Government of NCT of Delhi. Learned APP further submits that if this Court is inclined to quash FIR on settlement, the compensation amount be increased in the interest of justice.

7. Today counsel for the petitioners, on instructions from the petitioners

who has joined court proceedings through video conferencing, have agreed to pay an amount of Rs.15,00,000/- in addition to Rs.6,50,000/- already paid in favour of Smt.Mithlesh, wife of the deceased.

8. Petitioner no.1 is directed to pay an amount of Rs.15,00,000/- additionally as agreed to the complainant within one week from today in the account number 1493119019998 of Canara Bank, Kanpur. Petitioner no.2 is also directed to pay an amount of Rs.1,00,000/- to Smt. Mithlesh within one week from today and receipts of the payments shall be furnished to the IO of the case.

9. Complainant is personally present in Court through Video Conferencing and has been identified by SI Varun/IO and submits that matter has been settled and she does not wish to prosecute the matter any further.

10. Petitioner and complainant have entered into an amicable settlement dated 18.01.2019 before Delhi Government Mediation & Conciliation Centre, Delhi Dispute Resolution Society.

11. Taking into account the aforesaid facts, this Court is of the view that no useful purpose would be served in prosecuting petitioners any further.

12. For the reasons afore-recorded, I hereby, while exercising power

under Section 482 Cr.P.C convert the present petition for quashing of FIR. Accordingly, FIR bearing No. 78/2017, dated 28.02.2017, registered at Police Station Hauz Khas, Delhi and consequent proceedings emanating therefrom are quashed.

13. The petition is, accordingly, allowed and disposed of.
14. Pending application stands disposed of.
15. The order be uploaded on the website forthwith.

OCTOBER 13, 2020/ab

SURESH KUMAR KAIT, J

