

\$~70

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

+ **W.P.(CRL) 3323/2019**

RAJ KUMAR GOEL

..... Petitioner

Through: Mr Ajay Kumar Chopra, Advocate.

versus

STATE & ANR.

..... Respondents

Through: Mr Sanjay Lao, ASC for State with
Mr Karan Jeet Rai Sharma along with
SI Sachin, PS Narela.
SI Sachin Dhama, PS Narela.
Mr Roshan Lal Goel and Ms Anju
Gupta, Advocates for R-2 in person.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER
25.02.2020

%

1. The petitioner has filed the present petition, *inter alia*, praying that the FIR bearing no. 815/2018 under Sections 287/304A of the IPC registered with PS Narela and all consequential proceedings arising therefrom, be quashed.
2. The petitioner states that the victim (heirs of the deceased) have settled with the petitioner and have agreed to accept a sum of ₹8,00,000/- in full and final settlement of all claims and pray that the FIR in question be quashed based on the aforesaid settlement.
3. Mr Lao, learned ASC appearing for the State opposes the present petition on two grounds: First, the compensation as stated to have agreed between the parties is even below the compensation that would otherwise be

payable. According to him, considering the age of the deceased is forty-three years, the petitioner would be liable to pay a sum of ₹13,12,000/-. Second, he submits that there has been gross negligence on the parts of the petitioner inasmuch as, suitable guards and safety measures were not provided for ensuring the safety of the workmen.

4. The learned counsel appearing for the petitioner states the petitioner is not agreeable to pay compensation of ₹13,12,000/-.

5. In view of the above, the present petition is dismissed. Further, this Court is also of the view that a case of gross negligence on the part of the petitioner cannot be ruled out. Considering the above, this Court considers that ends of justice would not be served in quashing the FIR in question.

6. Mr Lao states that the chargesheet shall be filed within a period of six weeks from today.

7. The petition is dismissed.

FEBRUARY 25, 2020
RK

VIBHU BAKHRU, J