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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(CRL) 1263/2024**
PUNEET SETH AND ANR Petitioners
Through: **Mr.Dinesh Khatri, Adv.**
(through VC)

versus

THE STATE GOVT. OF NCT OF DELHI AND ANR Respondents
Through: **Mr.Yasir Rauf Ansar, ASC**
(Crl.) with **Mr.Alok Sharma**
and **Mr.Vasu Agarwal, Adv.**
and **ASI Harish Kumar**

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

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25.04.2024

CRL.M.A. 12267/2024 (Exemption)

1. Allowed, subject to all just exceptions.

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2. This petition has been filed under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973 (in short, 'Cr.P.C.'), praying for quashing of FIR No.1/2024 registered at Police Station: Paschim Vihar West, Outer-District under Section 228 and 304A of the Indian Penal Code, 1860 (in short, 'IPC').

3. The said FIR has been registered on account of death of a worker, namely Faiz, on 31.12.2023 at D-7, Udyog Nagar, Peeragarhi, New Delhi on account of a scaffolding, which was being used for installation of a glass on the second floor of the said building, collapsing and falling on his head.



4. The learned counsel for the petitioners submits that the petitioners cannot be made an accused in the said FIR for the reason that they had subleased the contract for installation of semi structural glazing at the said building to Mr.Sameer and Mr.Nayab Ali by Work Order No. FCPL/2023-24/004 dated 13.07.2023 for a consideration of Rs.15,50,000/-. From the same month, Mr.Sameer commenced the said glazing work by providing necessary safety equipment to the workers.

5. The learned counsel for the petitioners submits that on humanitarian grounds, on the day of the incident itself, the petitioner no.1, in fact, gave a cheque of Rs.5,00,000/- as compensation to Mr.Sameer and Mr.Nayab, the sub-contractors, for giving it to the family of the deceased worker. The father of the deceased also is alleged to have given an Appreciation Letter dated 30.01.2024 to the petitioner no.1, appreciating their support.

6. The learned counsel for the petitioners submits that due to the above reasons, the FIR as against the petitioners deserves to be quashed and if anyone at all is to be held responsible for the death of the deceased, it would be the sub contractors.

7. I have considered the submissions made, however, find no merit in the same.

8. It is for the police to investigate as to who is responsible for the said incident that has occurred, and if there was negligence or otherwise involved in the same.

9. This Court cannot, at this stage, enter into factual merits of the FIR to quash the same. The Supreme Court in *Neeharika*



Infrastructure Private Limited v. State of Maharashtra and Ors
(2021) 19 SCC 401, has emphasized that the High Courts should exercise caution before interfering in criminal proceedings at an initial stage, especially when a petition is filed for quashing right after the FIR/Complaint is registered, without allowing sufficient time for the police to investigate the same under the provisions of the Cr.P.C.

10. Accordingly, the petition is dismissed.

11. It is made clear that any observation made in this Order shall not, in any manner, affect the investigation in the said FIR.

NAVIN CHAWLA, J

APRIL 25, 2024/ns/am

Click here to check corrigendum, if any