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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CRL.M.C. 5883/2019

SMT. SANTOSH

.....Petitioner

Through: Mr. Munish Chhoker &
Ms. Jyoti Verma, Advs.

versus

STATE & ANR.

.....Respondents

Through: Mr. Sunil Kumar Gautam,
APP for the State
SI Sachin, PS- Seemapuri

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

% **17.09.2024**

1. The present petition is filed seeking quashing of FIR No. 402/2013 dated 07.08.2013 registered at Police Station Seemapuri for offence under Section 304A of the Indian Penal Code, 1860 ('IPC'), on the ground that the petitioner has settled with the family of the victim.
2. The FIR was registered under Section 304A of the IPC on an allegation that a victim aged seven years lost his life due to the negligence of the petitioner.
3. The offence is not compoundable in nature and, in the opinion of this Court, when a young boy of seven years of age has lost his life due to the alleged negligence of the petitioner, the FIR cannot be quashed only for the reason that the family of the victim does not wish to pursue the proceedings arising out of the present FIR.
4. Specific allegation was made against the petitioner that, on earlier occasions also, the complaints were given that current used to flow due to faulty wiring at the petitioner's shop. The

allegation, at this stage, cannot be called to be a case of pure and simple accident.



5. The charges are yet to be framed in the present case. The petitioner is at liberty to take all arguments at the time of arguments on charge before the learned Trial Court.

6. The petition is dismissed with the aforesaid observations.

AMIT MAHAJAN, J

SEPTEMBER 17, 2024

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