



\$~42

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

+ **CRL.M.C. 9104/2023 & CRL. M.A.33987/2023**

RAMJI

.....Petitioner

Through: Mr. Harsh Gupta, Advocate with
petitioner in person.

versus

THE STATE NCT OF DELHI AND ORS.

.....Respondents

Through: Mr. Sanjeev Sabharwal, APP for State
with SI Jeet Singh and SI Nasib Singh
Respondent Nos. 2 and 3 in person.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

%

25.07.2024

1. The present proceedings are instituted under Section 482 Cr.P.C. on behalf of the petitioner seeking quashing of FIR No. 0757/2015 registered under Sections 288/304A IPC at Police Station Fatehpur Beri, Delhi on the ground that the parties have amicably settled their disputes.
2. As per the allegations levelled in the FIR, the factory worker, *Ranji Ram*, fell in a pit at night and received fatal injuries.
3. Mr. Sanjeev Sabharwal, learned APP for the State, on instructions, submits that the petitioner is the only accused and respondent Nos.2 and 3 are the wife and son of the deceased. It is further submitted that the charge-sheet has been filed.
4. Learned counsel for the petitioner, on instructions from the petitioner, who is present in Court and has been identified by his counsel as well as the I.O./ SI Jeet Singh and SI Nasib Singh PS Fatehpur Beri, Delhi, states that the petitioner is a small-time contractor and had taken care of the medical



expenses of the deceased at the time of the incident and had also paid a sum of Rs.50,000/- to the family of the deceased. He further volunteers to pay an additional sum of Rs. 3 lacs by way of RTGS within two weeks from today.

5. As per the allegations in the FIR, the deceased *Ramji Ram* was employed as a labourer by the petitioner at *Farm No. 50, Jaunapur Village, Fatehpur Beir, New Delhi*. On the night of 13.10.2015, the deceased was sleeping on the first floor at the aforesaid farm when the other labour *Vinay Kumar* at about 11-12pm in the night noticed that the deceased was not sleeping besides him. The deceased had fallen down in the pit meant for installation of lift. The charge-sheet is accompanied by the post-mortem and FSL report, a reading of which shows that the blood sample of the deceased on chemical examination was found to contain ethyl alcohol of 156.8 mg /100 ml of blood. Pertinently, as per the allegations in the FIR, the deceased was staying in the said farm and sleeping near the site of the incident for 5-6 days prior to the date of incident. He was aware of the construction site. Moreover, on the night of incident, he was highly inebriated. In these circumstances, it cannot be concluded that the incident occurred on account of any rash and negligent act of the petitioner.

6. The deceased is represented through his wife, *Smt. Shoba Devi* and his son, *Mr. Mahender Kumar* (respondent Nos. 2 and 3), both are identified by the IO.

7. The wife of the deceased present in Court states that she has an account bearing 22630100001093 in Bank of Baroda, IFSC Code: 8ARBONYOCHA, Branch Nyori Churaha, Uttar Pradesh. The petitioner undertakes to pay the aforesaid amount within two weeks from today in the aforesaid account. The statement is taken on record and he is made bound by



the same. The petitioner, in token of having made the statement has signed the today's order-sheet.

8. In view of the above facts and considering that no useful purpose will be served in continuance of the proceedings, it is directed that the aforesaid FIR and the consequent proceedings arising therefrom are hereby quashed.

9. Proof evidencing payment of aforesaid amount shall be filed with the I.O. as well as in Court.

10. With the above directions, the petition is disposed of along with pending application.

11. In case the proof of payment of aforesaid amount is not filed within two weeks, the IO shall be at liberty to move an appropriate application in this regard.

MANOJ KUMAR OHRI, J

JULY 25, 2024/rd