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

+ CRL.M.C. 2436/2011

DHORI LAL

..... Petitioner

Through : Mr. R.P. Luthra , Adv.

versus

STATE & ANR

..... Respondent

Through : Mr. M.N. Dudeja, APP for State.

CORAM:

HON'BLE MR. JUSTICE SURESH KAIT

ORDER

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29.07.2011

CRL. M.A. 8813/2011(Exemption)

Allowed subject to all just exceptions.

CRL. M.C. 2436/2011

1. An FIR No. 65/2011 was registered under Sections 288/304 Indian Penal Code, 1860 against the petitioner Dhori Lal s/o Sh.Nand Lal at P.S. Roop Nagar.
2. Learned APP for State submits that the investigation in the matter is going on and the Charge sheet has not yet been filed.
3. Learned counsel for the petitioner submits that inadvertently instead of writing the respondent No.2 the name of Ms. Praveen w/o Shyoukat Khan has been wrongly mentioned as respondent No.3 and it be read as respondent No.2.
4. Learned APP for State submits that the charge sheet has not yet been filed in the matter. He further submits that in this case, one young life has been lost and the court must ascertain whether the complainant has properly been compensated or not.

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Signing Date: 21.08.2024 17:03:48
Certify that the digital and physical file have
been compared and the digital data is as per
the physical file and no page is missing.

5. Respondent No. 2/Ms. Praveen, who is present in the court today, duly identified by IO/SI S.K. Gupta, P.S. Roop Nagar submits that she has received ₹ 3,50,000/- in lieu of full and final payment and she has settled all her disputes with the petitioner qua the aforementioned FIR and she does not want to pursue the case further.

6. Respondent No. 2 has placed on record her Election Identify card issued by Government of India vide enrolment No. RJ/10/076/015470, original seen and returned back. The copy of the same is retained on record at page No.13 of the paper book.

7. Learned counsel for the petitioner submits that the petitioner has already given ₹ 3,50,000/- to the complainant in lieu of settlement. He submits that the petitioner is working as a labour contractor and he does not possess much means, and whatever he could do, he has done and he has arranged the funds very hardly in order to compensate the complainant and her children.

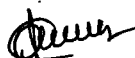
8. In the aforesaid circumstances and in the interest of justice, I quash the aforesaid FIR No. 65/2011, registered under Sections 288/304 Indian Penal Code, 1860. and all the proceedings emanating therefrom.

9. By lodging the aforesaid FIR, the Government machinery was used and the time of the court was also consumed, therefore, I impose a cost of Rs.10,000/- on petitioner to be paid to the respondent No.2/Ms. Praveen, since she has lost her husband at a young age of 35years. The cost shall be paid within

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a week from today and the proof of the same shall be placed on record.

10. The petitioner has paid the cost of Rs.10,000/- today itself in the court to the respondent No.2/Ms. Praveen, who finds it correct.

11. Crl. M.C.2436/2011 is allowed and disposed of on the above terms.



SURESH KAIT,J

JULY 29, 2011

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