

**Abrar Ahmad Vs. State**

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**SooperKanoon Citation :** [sooperkanoon.com/1088310](http://sooperkanoon.com/1088310)

**Court :** Delhi

**Decided On :** Sep-27-2013

**Judge :** J.R. Midha

**Appellant :** Abrar Ahmad

**Respondent :** State

**Judgement :**

\$~45 \* IN THE HIGH COURT OF DELHI AT NEW DELHI + CRL.M.C. 4055/2013  
Date of Decision :

27. h September, 2013 % ABRAR AHMAD Through ..... Petitioner Mr. Athar Alam, Ms.Sumbul Ajhar, Mr. Azhar Alam, Mr.Ejaj Ahmad, Adv. versus STATE Through ..... Respondent Mr. Karan Singh, APP. ASI Kirshan Pal, P.S. Jamia Nagar  
CORAM:HON'BLE MR. JUSTICE J.R. MIDHA

**JUDGMENT**

(ORAL) Crl. M.A.14499/2013 Allowed, subject to just exceptions. Crl. M.C.4055/2013 1. The petitioner is seeking quashing of FIR No.316/2013, P.S. Jamia Nagar under Section 304A IPC on the ground that he has settled the matter with respondents no.2 and 3.

2. On 21st June, 2013, Mohd. Irshad (deceased) was working under the petitioner at D-7, Batla House, Gali No.2, P.S. Jamia Nagar, New Delhi where the construction work was going on. The deceased Mohd. Irshad suffered an electric

shock from an electric wire hanging on the 4th floor of the building which resulted in his death. FIR No.316/2013 was registered against the petitioner on the ground that the accident occurred due to his negligence.

3. The deceased Mohd. Irshad is survived by his widow Kamrun Khatun aged about 24 years, minor son Shahajahan aged about 6 months and parents, Mohd. Sirajaudyin (father) and Shanaz Khatun (mother). Ms. Kamrun Khatun (widow) and Mohd. Sirajaudyin (father) are present in Court and they submit that the deceased was earning Rs.6,000/- per month and upon adequate compensation being paid to them, they are no objection to the quashing of the FIR.

4. The deceased was aged 25 years at the time of the accident and was earning Rs.6,000/- per month. Deducting 1/3rd towards his personal expenses and applying the multiplier of 18 in terms of the judgment of the Supreme Court in Sarla Verma vs. DTC, 2009 6 SCC 121, the legal representatives of the deceased would be entitled to compensation of Rs.8,64,000/- from the petitioner.

5. The petitioner present in Court submits that as per his paying capacity, he is unable to pay more than Rs.5 lacs to the legal representatives of the deceased. He submits that he has already made payment of Rs.80,000/- to respondents no.2 and 3 immediately on the date of the death and Rs.20,000/- has been paid before this Court on 26th September, 2013. The petitioner further submits that he has brought following demand drafts for Rs.4 lacs to be handed over to respondents no.2 and 3: (i) DD No.929311 dated 10.9.2013 for Rs.1,25,000/- drawn on Indian Bank in favour of respondent No.3 (widow) (ii) DD No.073045 dated 27.9.2013 for Rs.1,75,000/drawn on Indian Bank in favour of respondent no.3(widow) (iii) DD No.929312 dated 10.9.2013 for Rs.1,00,000/drawn on Indian Bank in favour of respondent no.2 (father) 6. Respondent nos.2 and 3 are permanent resident of Kalasan, P.S. Chausa, District Madhepura, Bihar and they undertake to deposit the aforesaid drafts in joint savings account no.33103977258 with State Bank of India, Chausa District Madhepura, Bihar.

7. Upon deposit of the aforesaid three demand drafts in joint savings account no.33103977258, State Bank of India, Chausa District Madhepura, Bihar is directed to release a sum of Rs.30,000/- to respondent nos.2 and 3 by transferring

the same in their savings account. The State Bank of India shall keep the balance amount of Rs.3,70,000/- in 10 fixed deposits as per details given hereinbelow: (i) Fixed deposit of Rs.30,000/- in the name of respondent no.2 for a period of one year. (ii) Fixed deposit of Rs.30,000/- in the name of respondent no.3 for a period of two years. (iii) Fixed deposit of Rs.30,000/- in the name of Shanaz Khatun for a period of three years. (iv) Fixed deposit of Rs.30,000/- in the name of respondent no.2 for a period of four years. (v) Fixed deposit of Rs.30,000/- in the name of respondent no.3 for a period of five years. (vi) Fixed deposit of Rs.30,000/- in the name of Shanaz Khatun for a period of six years. (vii) Fixed deposit of Rs.30,000/- in the name of respondent no.2 for a period of seven years. (viii) Fixed deposit of Rs.30,000/- in the name of respondent no.3 for a period of eight years. (ix) Fixed deposit of Rs.30,000/- in the name of Shanaz Khatun for a period of nine years. (x) Fixed deposit of Rs.1,00,000/- in the name of Shahajahan, minor son of the deceased till he attains the age of majority.

8. Mr. Hariharan, learned senior counsel present in Court submits that interest on Fixed Deposit Receipt for one year is more than Fixed Deposit Receipt on a larger period and therefore, the beneficiaries would get a higher interest if the FDR is made for one year and renewable for the term mentioned by this Court. The State Bank of India shall ensure that the FDR are prepared in such a manner that the beneficiaries get the highest rates of interest.

9. The interest on all the aforesaid fixed deposits shall be paid monthly by automatic credit of interest in the savings account No.33103977258 of respondent nos. 2 and 3.

10. The original fixed deposit receipts shall be retained by the Bank in the safe custody. However, the original Pass Book shall be given to the beneficiaries along with the photocopy of the FDRs. Upon the expiry of the period of each FDR, the Bank shall automatically credit the maturity amount in the savings account of the beneficiaries.

11. No loan, advance or withdrawal shall be allowed on the said fixed deposit receipts without the permission of this Court.

12. The learned counsel for the petitioner has handed over the original demand drafts to the Court Master. The Registrar (Criminal) shall make an endorsement on the back of the demand drafts to State Bank of India, Chausa District Madhepura, Bihar for disbursement in terms of this judgment. The demand drafts along with copy of this judgment be released by the Registrar (Criminal) to respondent nos.2 and 3 on 30th September, 2013.

13. Learned APP for the State submits that since the amount being paid by the petitioner to respondent no.2 is not adequate for their rehabilitation and the petitioner do not have the paying capacity to pay more amount, the case of respondent nos. 2 and 3 be recommended to Delhi Legal Services Authority for payment of further compensation from the Victims Compensation Scheme under Section 357A Cr.PC. The petitioner as well as respondents no.2 and 3 have no objection to this.

14. Since the compensation of Rs.5 lacs paid by the petitioner to the legal representatives of the deceased, Mohd. Irshad is not adequate for their rehabilitation, this case is recommended to Delhi Legal Services Authority for payment of further compensation from the Victims Compensation Scheme under Section 357A Cr.PC.

15. This Court is satisfied that it is in the interest of justice and to maintain peace in the society to quash the FIR in question.

16. The petition is allowed and the FIR No.316/2013, P.S. Jamia Nagar under Section 304A IPC is quashed.

17. Respondent nos. 2 and 3 shall appear before the Secretary, Delhi Legal Services Authority on 30th September, 2013.

18. Copy of this judgment be sent to the Secretary, Delhi Legal Services Authority. Copy of this judgment be also given dasti to both the parties under the signature of the Court Master/Private Secretary of this Court. Copy of this judgment be also sent to State Bank of India, Chausa District Madhepura, Bihar. J.R. MIDHA, J  
SEPTEMBER 27 2013 dk

