

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

+ **Crl.M.A. No.7569/2008 & Crl.A. No.798/2006**

% **Date of Decision: 25.08.2008**

Mr.Rakesh Kumar Jambh @ Raja Appellant

Through Mr.Sat Pal Sharma, Advocate

Versus

The State, Govt. of NCT of Delhi Respondent

Through Mr.Amit Sharma, Advocate
Mr.Rajinder Gulati, Complainant in
person.

CORAM:
HON'BLE MR. JUSTICE ANIL KUMAR

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| 1. | Whether reporters of Local papers may be allowed to see the judgment? | YES |
| 2. | To be referred to the reporter or not? | NO |
| 3. | Whether the judgment should be reported in the Digest? | NO |

ANIL KUMAR, J.

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This is an application by the appellant/accused under Section 482 of Criminal Procedure Code for quashing of FIR No.205/2005 under Section 324 of Indian Penal Code registered at Police Station Karol Bagh.

The application is supported by the affidavit of Shri Rajinder Gulati, landlord/complainant, who is also present in the Court, who has deposed that in order to maintain good harmony and good relation

the offence under Section 324 of Indian Penal Code, of which the appellant/accused was convicted, be compounded and FIR No.205/2005 under Section 324 of Indian Penal Code registered at Police Station Karol Bagh be quashed as he does not want any bitterness should remain between the two in future.

The Appellant has contended that he was a tenant in respect of property bearing No. 921/1, Faiz Road, Karol Bagh, New Delhi and despite the cordial relations between him and the landlord, Shri Rajinder Gulati, disputes took place resulting in a complaint being filed by Shri Rajinder Gulati/landlord, on the basis of which the FIR No.205/2005 under Section 324 of Indian Penal Code was registered at Police Station Karol Bagh.

Pursuant to the case registered against the appellant, trial was conducted and the learned Additional Sessions Judge had sentenced the appellant to undergo two years' simple imprisonment and pay Rs.5,000/- as fine under Section 324 of Indian Penal Code.

It is also contended that the landlord had filed a suit for possession against the appellant which was pending before the Court of Shri Sunil Beniwal, Civil Judge, Delhi. The disputes between the parties were referred to Mediation Cell, Tis Hazari, Delhi on 9th May, 2008 and the matter has been settled amicably before the learned Mediator pursuant to which the appellant has handed over the vacant and peaceful possession of the tenanted premises to the landlord, Shri

Rajinder Gulati and his wife, who are alleged to be the joint owners of the premises.

Since the disputes have been resolved, it is contended that in order to maintain cordial relations and harmony and as the alleged offence against the appellant is compoundable, the same be compounded.

Considering the facts and in totality of circumstances, the application is allowed. The offence under Section 324 of Indian Penal Code is compounded and the conviction of the appellant under Section 324 of Indian Penal Code by order dated 5th September, 2006 and the sentence order dated 6th September, 2006 in FIR No.205/2005 under Section 324 of Indian Penal Code registered at Police Station Karol Bagh are set aside and the appellant is acquitted and the FIR No.205/2005 under Section 324 of Indian Penal Code registered at Police Station Karol Bagh and the proceedings emanating there from are quashed. With these directions, the application and the appeal are disposed of.

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August 25, 2008
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ANIL KUMAR, J.