

IN THE HIGH COURT OF DELHI

+ CrI.M.C. No.2813/2008

Date of decision: 10th September, 2009

Sushil Tiwari & Ors. ... Petitioner
through: Mr. J.C. Garg, Adv.

VERSUS

Vijay Kumar Luthra & Anr. Respondents
through: Mr. Manoj Ohri, APP for the State.
Mr. R.P. Luthra, Adv. for the respondent no. 1 with
respondent no. 1

CORAM:

HON'BLE MS. JUSTICE GITA MITTAL

1. Whether reporters of local papers may be allowed to see the Judgment?
2. To be referred to the Reporter or not?
3. Whether the judgment should be reported in the Digest?

GITA MITTAL, J(Oral)

1. By this petition, the petitioner who stands implicated in case arising out of FIR No. 240/09 registered by police station Farsh Bazar for commission of alleged offence under section 307/34 of the IPC prayed for quashing of the proceedings. It has been contended that the complaint made by respondent no. 2 was registered by the police and on completion of investigation a charge sheet stands filed and the matter was pending before the court. However no evidence of the prosecution has been led in the matter.

2. The petitioner and the respondent no. 2 are identified by learned counsel representing them in this court. The petition is premised on the plea that the petitioners and the respondent no.2 are residents of Shahdara, Delhi and have known each other for a long time. Disputes arose between them without any premeditation.

3. It has been contended that the matter stands settled amicably without any kind of force, pressure, threat or undue influence out of the free will of the parties. The petitioners and the respondent no. 1 submits that no grievance survive between them and that the quashing of the proceedings would go a long way towards removing any ill will which may be existing. The respondent no. 1 has also deposed an affidavit dated 8th September, 2009 to the same effect which has been placed on record.

4. Mr. Manoh Ohri, learned APP for the state submits that on the lodging of the complaint, the police was enquired to take action and has investigated the matter and has filed a charge sheet. He has opposed quashing of the criminal proceedings.

5. Perusal of the record laid before this court and on consideration of the submissions made by learned counsel for the parties would manifest that the parties to the case are close neighbours and reside in the same locality. An effort to reconcile all disputes and differences

has been indicated. Undoubtedly, continuation of the criminal proceedings would result in festering the ill will between them and prevent normalisation of the relationship. The parties have also stated that they have known each other for a long time. The respondent no. 1 who is a complainant has indicated that he is not interested in prosecution of the case in view of the settlement of the parties. Certainly no useful purpose would be served by continuation of the prosecution. Bringing a quietus to the issue would also further interest of justice as well as interest of the community and society where the parties are residing.

6. However it is stated that the investigating agency was required to spend time and effort in investigation of the case. The charge sheet also stands filed. Undoubtedly, the public exchequer stands burdened by the proceedings which have been necessitated. In this background, the petitioners would require to compensate the state for the effort which has been expended.

7. Mr. Sushil Tiwari, the petitioner no. 1 is present. He comes forward and submits that an amount of Rs.50,000/- shall be deposited towards the costs of the proceedings undertaken by the police. The statement made by the petitioner no.1 is accepted and he shall remain bound by the same. I am informed that the Delhi Police

Welfare Society is looking after the welfare and interest of the police personnel.

Accordingly, it is directed that subject to the petitioner no. 1 depositing an amount of Rs.50,000/- and the other petitioners depositing an amount of Rs.1,000/- each towards the costs of the investigating agency with the Delhi Police Welfare Society, DCP Provision & Line, Old Police Line (OPL), Delhi within a period of two weeks from today, all proceedings arising out of FIR No. 240/09 registered by police station Farsh Bazar for commission of alleged offence under section 307/34 of the IPC shall stand quashed.

The petitioner shall place a proof of the deposit before the trial court failing which the further proceedings in the matter shall continue.

This petition is allowed in the above terms.

Dasti

Gita Mittal, J.

September 10, 2009

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