

42,43 & 17

% **26.11.2009**

Present : Mr.V.K. Malik, Adv. for the petitioner.
Mr. Jaideep Malik, APP for the State.

Crl.M.C. Nos. 1051/2008 and Crl. M.A. No. 3892/2009 (stay)

1. Mr. V. K. Malik, the learned counsel for the petitioner in Crl. M.C. no. 1051/2008 seeks permission to withdraw the petition on the ground that the matter has been settled and two separate petitions for quashing of the FIR on the basis of a compromise have been filed. The learned APP does not have any objection. Accordingly, Crl. M.C. No. 1051/2008 is dismissed as withdrawn.

Crl.M.C. Nos. 4054/2009 and 4055/2009

1. These are two petitions for quashing of two cross FIRs bearing no. 99/2008 under Section 323/34 IPC read with section 3 of the SC/ST Act registered at P.S. Bawana, Delhi on the basis of a complaint purported to have alleged by Surender Kumar, MLA against the six persons namely Narain Singh, Rajiv, Shyam Singh, Rajesh S/o Chander Singh, Rajesh & Raj Kumar both sons of Kali Ram.
2. The cross FIR has been registered at the instance of Narain Singh against the Surender Kumar, Virender Kumar and Vijay Kumar bearing no. 100/2008 under Section 324/325/34 IPC registered at the same police station. The dispute which had arisen between the two rival groups was on account of inauguration of a stretch of a road

Signature Not Verified

Digitally Signed By: AMULYA
Certify that the digital file and
physical file have been compared and
the digital data is as per the physical
file and no page is missing.

- which was newly carpeted. Both the rival political workers wanted to take credit for getting the road carpeted which resulted in the unsavory incident.
3. Both the parties are present in Court and identified by their respective counsels. Narain Singh, Rajiv, Shyam Singh, Rajesh S/o Chander Singh, Rajesh & Raj Kumar both sons of Kali Ram are identified by Mr. V. K. Malik and Surender Kumar, Virender Kumar and Vijay Kumar are identified by Sh. A. K. Singh. The affidavits of both the accused persons and the complainant in their respective cases are on record in the respective cases. In addition to this, in CrI. M.C. no. 4055/2009 affidavits of Rajesh Kumar, Shyam Singh, Surender Kumar, Rajesh Kumar S/o Kali Ram, Raj Kumar S/o Kali Ram, who are not the complainants with regard to FIR No. 100/2008 have also been placed on record in the capacity of witnesses.
 4. On inquiry, both the parties have stated that they have settled their dispute amicably and do not want to pursue the FIRs lodged by the respective sides against the rival group and pray for quashing of both the FIRs and consequent investigation carried out by the local police.
 5. Mr. Pawan Bahl, the learned APP who is present in response to the advance copy does not have any objection in case the FIRs are quashed. In the light of the facts that the parties have settled their disputes. Since the dispute essentially pertains in the nature of private dispute between the parties which seems to have arisen on

3

account of the fact that each of the rival group wanted to take the credit for getting road carpeted and thus wanted to score a point over the other, I feel that since the parties have resolved the dispute and no useful purpose would be served by keeping the cross FIRs no. 99/2008 under Section 323/34 IPC read with section 3 of the SC/ST Act registered at P.S. Bawana, Delhi and 100/2008 under Section 324/325/34 IPC registered at the same police station as pending. Accordingly, the FIRs no. 99/2008 under Section 323/34 IPC read with section 3 of the SC/ST Act registered at P.S. Bawana, Delhi and 100/2008 under Section 324/325/34 IPC registered at the same police station and the consequent proceedings are quashed. However, this shall be subject to both the parties namely namely Narain Singh, Rajiv, Shyam Singh, Rajesh S/o Chander Singh, Rajesh & Raj Kumar both sons of Kali Ram **and** Surender Kumar, Virender Kumar and Vijay Kumar each shall and deposit a sum of Rs.10,000/- with the Delhi High Court Lawyers Welfare Fund within two weeks. A copy of the deposit receipt along with the written intimation will be filed in the Court. In case the aforesaid amount is not deposited the IO shall proceed ahead.

6. Dasti.

NOVEMBER 26, 2009
KP


V.K.SHALI, J.