

24.

* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ CRL.M.C. 2330/2010

GURMIT SINGH & ORS

..... Petitioners

Through: Mr. Gurmit Singh Hans, Advocate
with petitioners in person.

versus

STATE & ORS

..... Respondents

Through: Mr. Navin Sharma, APP for the State
Respondent No.2 in person.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

ORDER

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30.11.2010

1. The present petition is filed by the petitioners under Section 482 of the Cr.PC praying *inter alia* for quashing of FIR No.211/2006, lodged by respondent No.2/complainant, who is a tenant of the shop bearing No.39B, Kewal Park Extension, Delhi, owned by petitioner No.2, under Sections 308/34 IPC, registered with Police Station: Adarsh Nagar, Delhi. Petitioner No.1 is stated to be a friend of petitioner No.2.

2. Counsel for the petitioners states that the dispute between the parties is mainly civil in nature and is regarding a shop taken on rent by respondent No.2 from petitioner No.2 in respect of which, an eviction petition was filed by petitioner No.2 in the year 1985. During

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file and no page is missing.

the pendency of the aforesaid proceedings, an altercation took place between the parties on 08.04.2006, which resulted in the aforesaid FIR being lodged by respondent No.2 against the petitioners. The petitioners were arrested by the police and thereafter, released on bail vide order dated 18.05.2006 passed by the High Court. On 25.10.2007, after the investigation was completed, charge-sheet was filed and the matter was committed to the sessions court. In the year 2008, charges were framed against the petitioners and the trial was started.

3. In the course of recording of the prosecution evidence, the parties arrived at a settlement with the facilitation of the Mediation Centre, Rohini Courts. It is stated by the counsel for the petitioners that respondent No.2/complainant has agreed that they will resolve all their disputes in respect of the tenanted shop. It has been agreed that respondent No.2 shall vacate the tenanted shop after receiving a sum of ₹1,35,000/- in full and final settlement of all his claims against petitioner No.2 and in respect of the subject premises. It is further agreed between the parties that respondent No.2/complainant would co-operate in getting the present FIR quashed.

4. Respondent No.2/complainant is present in Court and is identified by the counsel for the petitioners. He confirms that a

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settlement has been arrived at with the petitioners of his own free will and volition and without any undue influence or coercion from any quarters and that he has no objection to the FIR being quashed.

5. Learned APP for the State submits that in view of the settlement arrived at between the parties, he has no objection to the prayer made in the present petition being allowed. He however submits that in view of the fact that it was on account of the petitioners that the legal machinery has been put into motion, which has resulted in an incurring of unnecessary expenditure and wastage of court's time, it is a fit case, where costs may be imposed on the petitioners.

6. This Court has heard counsels for the parties. In view of the submission made by respondent No.2/complainant and in view of the fact that the parties have arrived at a settlement of their own free will and volition and without any undue influence or coercion from any quarters, no useful purpose will be served by proceeding further with the aforesaid FIR and the proceedings arising therefrom.

7. Accordingly, the petition is allowed in view of the aforesaid settlement arrived at between the parties. FIR No.211/2006 lodged by respondent No.2/complainant with Police Station: Adarsh Nagar, Delhi, and all proceedings arising therefrom are quashed, subject to

the condition that the petitioners shall collectively pay costs of ₹10,000/- out of which, a sum of ₹5,000/- shall be deposited with the Delhi High Court Legal Services Committee and ₹5,000/- shall be deposited with the Delhi High Court Mediation and Conciliation Centre.

8. The aforesaid costs shall be deposited by the petitioners within two weeks, while furnishing proof of payment to the learned APP for the State within the same period.

9. The petition is disposed of. File be consigned to the record room.



HIMA KOHLI,J

NOVEMBER 30, 2010
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