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* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ CRL.M.C. 3102/2010
CHAND KUMAR @ CHANDER PRAKASH @ KALE Petitioner
Through : Mr. M.P. Singh and
Mr. R.K. Upadhyay, Advs. with
petitioner in person.

versus
NCT OF DELHI & ANR Respondents
Through : Mr. Sunil Sharma, APP for the State.
IO Uma Dutta, PS Mangolpuri.
Mr. Ajay Kumar, Adv. for R-2 with
R-2 in person.

CORAM:
HON'BLE MS. JUSTICE HIMA KOHLI

O R D E R

% 28.09.2010

1. The present petition is filed by the petitioner under Section 482 Cr.P.C. praying *inter alia* for quashing of FIR No.253/2008 lodged by the respondent No.2/complainant against the petitioner under Sections 308/452 IPC with PS Mangolpuri, Delhi and all proceedings arising therefrom.
2. Counsel for the petitioner states that the petitioner and the respondent No.2/complainant are distant relatives and neighbours in Mangolpuri and on the date of the incident, i.e., 16.5.2008, the respondent No.2/complainant alleged that the petitioner entered his house and inflicted blows on his head, which resulted in lodging of the aforesaid complaint.
3. After investigations were completed, a charge sheet has been

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filed and the matter is stated to be at the stage of recording of evidence of the complainant. However, in the meantime, with the intervention of family friends and well wishers of the parties, they approached each other for an amicable settlement. It is stated that the aforesaid incident occurred on account of misunderstanding between the parties and now a settlement has been arrived at between them, as recorded in the Compromise Deed dated 2.9.2010 (Annexure-P-1), wherein the respondent No.2/complainant has agreed that he shall not pursue the aforesaid criminal complaint pending against the petitioner.

4. The respondent No.2/complainant, who is present in the Court and is represented through counsel, confirms the fact that the aforesaid compromise has been arrived at by him with the petitioner of his own free will and volition and without any undue influence or coercion from any quarters. He states that the petitioner is his distant relative and with the intervention of family friends and neighbours, they have resolved their interse disputes and now he does not wish that any further action be taken on the basis of the FIR lodged by him.

5. Learned APP for the State, on instruction from the IO, confirms the fact that the parties have arrived at a settlement and he has no

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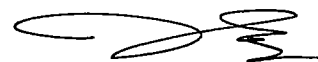
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objection to the prayer made in the petition being allowed. He however, submits that in view of the fact that the petitioner has put into motion the legal machinery of the State, which has resulted in incurring of unnecessary expenditure and wastage of time, he be put to terms for seeking the relief in the present petition.

6. This Court has heard counsels for the parties. In view of the submission made by the 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 prayer made in the petition is allowed and FIR No.253/2008 lodged by the respondent No.2/complainant with PS Mangolpuri, Delhi and all proceedings arising out therefrom stand quashed, subject to payment of costs of ₹.10,000/-, to be deposited by the petitioner with the Delhi High Court Legal Services Committee within a period of two weeks. Proof of deposit shall be furnished to the learned APP for the State within one week thereafter.

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



HIMA KOHLI,J

SEPTEMBER 28, 2010

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