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Present: Mr. Vikas Yadav and Mr. Upma Yadav, Advs. for the petitioners along with petitioners in person.
Respondent no. 1 in person.
Mr. Manoj Ohri, APP for the State-respondent no.2 along with ASI Subhash Chand, P.S. Janak Puri.

+Crl. M.A.15892/2010

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Documents filed along with petition are taken on record.

Application is disposed of.

Crl. M.C. 3147/2010

Respondent no. 1 filed a complaint under Section 200 of the Code of Criminal Procedure praying therein that petitioners had caused injuries on his person with intention and knowledge that by that act had they caused his death, they would be guilty of culpable homicide not amounting to murder. After recording pre-summoning evidence Metropolitan Magistrate held that ingredients of offence under Section 308 IPC were not attracted and at best petitioners had caused simple hurt to respondent no.1 by beating him with fists and slaps. Accordingly, Metropolitan Magistrate summoned the petitioners for having committed offence punishable under Sections 323/34 IPC.

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However, in view of pendency of connected case before the Additional Sessions Judge arising out of FIR No. 367/2003 under Sections 354/186/353/308/406/34 IPC, Metropolitan Magistrate sent the file to the Sessions Court. Additional Sessions Judge was of the view that a prima facie case under Section 308 IPC was made out against petitioner no.1 while against other petitioners only under Section 323/34 IPC was made out. Accordingly, charges were framed against them under the aforesaid provisions.

Now, petitioners and respondent no.1 have resolved their disputes amicably out of court, inasmuch as, they want to maintain harmonious relations in future being the residents of the same locality. Respondent no. 1, who is present in court, submits that he is not willing to pursue his complaint case No.10/2009 pending in the court of Additional Sessions Judge, Rohini Courts, New Delhi, any further.

Keeping in mind the above facts, and in the larger interest, FIR No. 367/2003 under Sections 354/186/353/308/406/34 IPC registered at Police Station Janak Puri and consequent proceedings emanating therefrom are quashed. However, cost of

₹10,000/- each is imposed on the petitioners which shall be deposited with the Delhi High Court Legal Services Committee within three weeks and the receipt evidencing deposit of cost be filed with the Registry.

Petition is disposed of in the above terms.

Dasti.



A.K. PATHAK, J.

October 01, 2010

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