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* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ CRL.M.C. 3450/2010

BHASKAR

..... Petitioner

Through: Mr.Rakesh Makhija, Advocate.
Petitioner in person.

versus

STATE & ANR

..... Respondent

Through: Mr.Navin Sharma, APP for the
State.
Complainant in person.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

ORDER

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24.11.2010

1. The present petition is filed by the petitioners under Section 482 of the Cr.PC praying *inter alia* for quashing of FIR No.66/2010, lodged by respondents No.2 against the petitioners under Sections 323/326/34 IPC, registered with Police Station Prasad Nagar, Delhi.

2. Counsel for the petitioner states that the petitioner is a neighbour of respondent No.2/complainant. On the date of incident i.e. on 03.05.2010, one Praveen exchanged hot words and fist cuffs with the brother of the complainant, Ravi and thereafter tried to stab him with a knife which resulted in an injury to the brother of complainant. As per the complainant, the petitioner herein is stated to have accompanied Praveen along with 2-3 other persons.

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file and no page is missing.

3. Counsel for the petitioner states that as the parties are 3
neighbours, with the interventions of well-wishers and friends, they
have now arrived at a settlement, as recorded in the MOU dated
19.10.2010. It is stated that in terms of the settlement, respondent
No.2/complainant has agreed not to contest the present petition.

4. The complainant is present in Court and is identified by the
IO. He confirms having arrived at the aforesaid settlement with the
petitioner. He submits that the aforesaid settlement has been arrived
at of his own free will and volition and without any undue influence or
coercion from any quarter whatsoever and that he has no objection if
the FIR is quashed *qua* the petitioner.

5. Learned APP states that in view of the fact that parties
have arrived at a settlement, he has no objection to the present FIR
being quashed *qua* the petitioner. He however, submits that in view of
the fact that it was on account of the petitioner that the legal
machinery was put into motion, which resulted in an incurring of
unnecessary expenditure and wastage of court's time, it is a fit case,
where costs must be imposed on the petitioner.

6. Accordingly, the petition is allowed in view of the aforesaid
settlement arrived at between the parties. FIR No.66/2010, lodged by
respondent No.2 against the petitioner under Sections 323/326/34

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IPC, registered with Police Station Prasad Nagar, Delhi and all proceedings arising therefrom *qua* the petitioner are quashed, subject to the condition that the petitioner shall pay costs of ₹5,000/-, which shall be deposited with the Delhi High Court Legal Services Committee within four weeks, while furnishing proof of payment to the learned APP for the State within the same period.

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



HIMA KOHLI, J

NOVEMBER 24, 2010
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