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* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ CRL.M.C. 3479/2010 & CrI.M.A. No.17112/2010

UMESH VASHISTH & ANR Petitioners
Through : Mr. Ashok Ahlawat, Adv. with
petitioners in person.

versus

STATE & ORS Respondents
Through : Mr. M.N. Dudeja, APP for State.
ASI Hem Kumar, PS Binda Pur.
Ms. Veena Gulia, Adv. for R-2 & 3 with
R-2 & 3 in person.

CORAM:
HON'BLE MS. JUSTICE HIMA KOHLI

% ORDER
09.11.2010

1. The present petition is filed by the petitioners under Section 482 Cr.P.C. praying *inter alia* for quashing of the FIR No.293/2010 lodged by the respondent No.2 against the petitioners under Sections 324/326/34 IPC with at PS Binda Pur, Delhi.

2. Counsel for the petitioners states that the petitioners and the respondents No.2/complainant and the respondent No.3 are acquainted with each other. On 5.9.2010, certain disputes arose between them due to some misunderstanding, which resulted in physical assault and lodging of the aforesaid FIR. It is now stated that during the pendency of the aforesaid proceedings, parties arrived at a

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settlement, as recorded in the Compromise Deed dated 18.10.2010 (Annexure A-8). It is stated that in view of the aforesaid settlement arrived at between the parties, the present FIR may be quashed.

3. The respondent No.2/complainant and the respondent No.3, who are present in the Court, confirm the fact that the aforesaid settlement has been arrived at by them with the petitioners of their own free will and volition and without any undue influence or coercion from any quarters. Counsel for the respondents No.2 & 3 states that in view of the aforesaid settlement arrived at between the parties, her clients have no objection to quashing of the aforesaid FIR.

4. Learned APP for the State states, on instructions from the Investigating Officer, that the matter is at the stage of investigation, and as per the MLC, the injuries received by the respondent No.3 are grievous in nature. He states that due to the aforesaid reason, provision of Section 326 IPC was added to the FIR. He however submits that the State has no objection to the prayer made in the petition being allowed, subject to the petitioners being put to terms.

5. Having regard to the fact that the dispute between the parties has now been amicably resolved in terms of the settlement arrived at between them, there appears no legal impediment in allowing the present petition. However, considering the nature of the offence and

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the fact that on account of the physical assault of the respondent No.3 by the petitioners, FIR No.293/2010, subject matter of the present petition, as also all the proceedings arising therefrom stand quashed, subject to each of the petitioners compensating respondent No.3 by paying him a sum of ₹10,000/-, by way of demand drafts within a period of one week. Proof of payment shall be furnished to the learned APP for the State within one week.

6. Needless to state that in case the petitioners default in making the payment, the respondent No.3 shall be at liberty to bring the same to the notice of the Court.

7. The petition is disposed of, along with the pending application. File be consigned to the record room.



HIMA KOHLI,J

NOVEMBER 09, 2010
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