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* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ CRL.M.C. 3544/2010 & CrI.M.A. No.17337/2010

VIKRAM BHASIN & ANR. Petitioners
Through : Mr. Gagan Chawla, Adv.
with petitioners in person.

versus

STATE & ANR. Respondents
Through : Mr. M.N. Dudeja, APP for the State
with Investigating Officer.
Mr. Zubir Ahmad Khan, Adv. for R-2 with
R-2 in person.

CORAM:
HON'BLE MS. JUSTICE HIMA KOHLI

ORDER

% 15.11.2010

1. The present petition is filed by the petitioners under Section 482 Cr.P.C. praying *inter alia* for quashing of FIR No.462/2007 lodged by the respondent No.2/complainant against the petitioners, under Sections 323/506/354/509/34 IPC registered with PS Sabzi Mandi, Delhi and all proceedings arising therefrom.

2. Counsel for the petitioners states that the incident in question took place on 25.10.2007, when the respondent No.2/complainant along with her brother and mother, went to the Chamber of the petitioner No.2, who is a practicing Advocate in Tis Hazari Courts.

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Certain disputes arose between the respondent No.2/complainant and the petitioners No.1 & 2, which resulted in an altercation and lodging of the aforesaid FIR by the respondent No.2/complainant. He submits that a cross complaint was filed by the petitioners for the same incident, which was registered as FIR No.463/2007. It is stated that initially the parties were referred to the Mediation Cell by the learned Metropolitan Magistrate, Mahila Court, Tis Hazari Courts, but the matter could not be resolved. However, subsequently, the parties arrived at a settlement directly and as per the settlement, it was agreed that the respondent No.2/complainant would tender an unconditional apology for making allegations of molestation and assault against the petitioner No.2. A copy of the Unconditional Apology dated 22.3.2010 tendered by the respondent No.2/complainant to the petitioner No.2 is placed on the record (Annexure-P-6). The settlement arrived at between the parties is also placed on the record as Agreement dated 22.3.2010 (Annexure P-7).

3. In the settlement Agreement, it is noted that the respondent No.2/complainant agreed to deposit a sum of ₹1,000/- with the Delhi Bar Association within a period of three days from the date of execution of the Agreement/Settlement as compensation for defamation of petitioner No.2. It is submitted by the counsel for the

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respondent No.2/complainant that the aforesaid amount has been deposited by the respondent No.2/complainant by way of a cheque, which fact is confirmed by the counsel for the petitioners. It is now submitted that this petition has been filed for quashing of the FIR No.462/2007, whereas the respondent No.2/complainant has also filed a separate petition for quashing of cross FIR No.463/2007, registered as Crl.M.C.3543/2010 and listed today.

4. The respondent No.2/complainant, who is present in the Court and is duly represented through counsel, confirms the aforesaid fact and states that she has arrived at the aforesaid settlement with the petitioners of her own free will and volition and without any undue influence or coercion from any quarters. She further states that in view of the aforesaid settlement arrived at between the parties, she has no objection to quashing of the aforesaid FIR lodged by her.

5. Learned APP for the State, on instruction from the Investigating Officer, states that charge sheet has been filed in the matter and confirms the fact that the parties have arrived at a settlement. He, therefore, does not oppose the prayer made 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.462/2007 lodged by the respondent No.2/complainant with PS Sabzi Mandi, Delhi and all proceedings arising therefrom stand quashed.

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



HIMA KOHLI,J

NOVEMBER 15, 2010
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