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* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ CRL.M.C. 3543/2010 & CrI.M.A. No.17336/2010

RICHA BAJAJ @ RICHA CHAUDHARY & ANR. Petitioners
Through : Mr. Zubir Ahmad Khan, Adv.
with petitioner in person.

versus

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

CORAM:
HON'BLE MS. JUSTICE HIMA KOHLI

O R D E R

% 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.463/2007 lodged by the respondent No.2/complainant against the petitioners, under Sections 341/506/34 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 petitioners forcibly entered the chamber of the respondent No.2/complainant, who is a practicing Advocate in Tis Hazari Courts, and threatened him. He submits that a

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cross complaint was filed by the petitioners for the same incident, which was registered as FIR No.462/2007. 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 petitioner No.1 would tender an unconditional apology for making allegations of molestation and assault against the respondent No.2/complainant. A copy of the Unconditional Apology dated 22.3.2010 tendered by the petitioner No.1 to the respondent No.2/complainant 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 petitioner No.1 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 respondent No.2/complainant. It is submitted by the counsel for the petitioners that the aforesaid amount has been deposited by the petitioner No.1 by way of a cheque, which fact is confirmed by the counsel for the respondent No.2/complainant. It is now submitted that this

petition has been filed for quashing of the FIR No.463/2007, whereas the respondent No.2/complainant has also filed a separate petition for quashing of cross FIR No.462/2007, registered as Crl.M.C.3544/2010.

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 he has arrived at the aforesaid settlement with the petitioners of his own free will and volition and without any undue influence or coercion from any quarters. He further states that in view of the aforesaid settlement arrived at between the parties, he has no objection to quashing of the aforesaid FIR lodged by him.

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.

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7. Accordingly, the prayer made in the petition is allowed and FIR No.463/2007 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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