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* IN THE HIGH COURT OF DELHI AT NEW DELHI
+ CRL.M.C. 3502/2010 and CrI.M.A. 17191/2010

BIR SINGH & ORS

..... Petitioners

Through: Mr. Saheen Parveen and Mr. Tariq
Yameen, Advocates with petitioners No.1 to 5
in person.

versus

THE STATE & ORS

..... Respondents

Through: Mr. Navin Sharma, APP for the State.
Mr. Braham Singh, Advocate with respondents
No. 3 to 5.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

O R D E R

11.11.2010

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1. The present petition is filed by the petitioners under Section 482 of the Cr.PC praying *inter alia* for quashing of FIR No.525/2006, lodged by respondent No.3 against the petitioners under Sections 323/341/506/34 IPC, registered with Police Station: Sarita Vihar, New Delhi.

2. Counsel for the petitioners states that the petitioners and the respondents No.3 to 5 are cousins and on the date of incident, i.e., on 07.10.2006, a quarrel took place between the parties on account of a piece of land situated at village Madanpur Khadar, New Delhi, which resulted in respondent No.3 lodging the aforesaid FIR against the petitioners stating *inter alia* that the petitioners had physically assaulted him and respondents No. 4 and 5. It is now stated that

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during the pendency of the FIR, the parties have arrived at a settlement as recorded in the Compromise Deed (Page 8). It is therefore submitted that as there is no dispute pending between the parties, the respondents have no objection to the FIR being quashed.

3. Respondents No. 3 to 5 are present in Court alongwith their counsel. They confirm the aforesaid position and state that the settlement has been arrived at of their own free will and volition and without any undue influence or coercion from any quarters.

4. Learned APP for the State submits that after completion of investigation, charge-sheet has been filed and the matter is at the stage of evidence. He further states that in view of the settlement arrived at between the parties, he has no objection to the prayer made in the present petition being allowed. He however, submits that in view of the fact that it was on account of the petitioners that the legal machinery has been put into motion, which has resulted in unnecessary expenditure and wastage of court's time, it is a fit case, where costs must be imposed on the petitioners.

5. This Court has heard counsels for the parties. In view of the submission made by respondents No.3 to 5 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.

6. Accordingly, the petition is allowed in view of the aforesaid settlement arrived at between the parties. FIR No.525/2006 lodged by respondent No.3 with Police Station: Sarita Vihar, New Delhi, and all proceedings arising therefrom are quashed, subject to the condition that the petitioners shall collectively pay costs of ₹25,000/- which shall be deposited in the following manner:-

- (a) ₹10,000/- shall be deposited with the Delhi High Court Legal Services Committee.
- (b) ₹10,000/- shall be deposited with the Delhi High Court Mediation and Conciliation Centre.
- (c) ₹5,000/- shall be deposited with the Delhi Police Welfare Fund.

7. The aforesaid costs shall be deposited by the petitioners within four weeks, while furnishing proof of payment to the learned APP for the State within the same period.

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



HIMA KOHLI,J

NOVEMBER 11, 2010

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