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* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ CRL.M.C. 3585/2010 and Crl.M.A. 17467-68/2010

TAHIR & ANOTHER Petitioners
Through: Mr. R.D. Rana, Mr. K.M. Azad and
Mr. Manish Gupta, Advocates with petitioners
No.1 and 2 in person.

versus

STATE & ORS Respondents
Through: Mr. M.N. Dudeja, APP for the State
Respondents No.2 and 3 in person.

CORAM:
HON'BLE MS. JUSTICE HIMA KOHLI

ORDER

% 19.11.2010

1. The present petition is filed by the petitioners under Section 482 of the Cr.PC praying *inter alia* for quashing of FIR No.513/2005, lodged by respondent No.2/complainant against the petitioners under Sections 452/323/506/34 IPC, registered with Police Station: Seema Puri, Delhi.

2. Counsel for the petitioners states that the petitioners and respondent No.2/complainant are neighbours. On the date of incident, i.e., on 28.08.2005, the petitioners came on a two wheeler scooter and ran over the tyre of the scooter on the feet of respondent No.2/complainant. When she protested at this, the petitioners followed

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respondent No.2 and her husband, respondent No.3 into their *Jhuggi* and assaulted them which led to the filing of the FIR by the respondent No.2/complainant. Subsequently, with the intervention of some neighbours and well wishers, the parties have arrived at a settlement.

3. Learned APP for the State submits that after completion of investigation, charge-sheet has been filed. He states that the petition may be allowed, but in view of the conduct of the petitioners and having regard to the fact that it was on their account that the legal machinery has been set into motion, which has resulted in incurring of unnecessary expenditure by the State and wastage of court's time, costs may be imposed on the petitioners.

4. Looking at the conduct of the petitioners and the contents of the FIR wherein, respondent No.2/complainant has specifically stated that the petitioners ran over their two wheeler scooter on her feet and further got aggressive when she protested and assaulted respondents No.2 and 3, ideally the present petition ought not be allowed. However, having regard to the young age of the petitioners, and the fact that they are repentant and have agreed to compensate the respondents No.2 & 3 in terms of money, the present petition is allowed. FIR No.513/2005 lodged by respondent No.2 with Police Station: Seema Puri, Delhi, and all proceedings arising therefrom are

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quashed, subject to the condition that the petitioners shall collectively pay ₹20,000/- as costs, out of which ₹10,000/- shall be paid to respondents No.2 and 3 and ₹10,000/- shall be deposited with the Delhi High Court Legal Services Committee.

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

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



HIMA KOHLI,J

NOVEMBER 19, 2010
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