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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ CRL.M.C. 1289/2011

FIROJ ANWAR Petitioner
Through Mr.S.D.Sharan, Adv.

versus

STATE & ANR Respondents
Through Mr.Sunil Sharma, APP
SI Rajinder, PS Narela.

CORAM:
HON'BLE MR. JUSTICE V.K. SHALI

% **ORDER**
22.11.2011

1. This is a petition filed under Section 482 Cr.P.C. for quashing of FIR no.39/2008, u/S 308 IPC registered by P.S. Narela in respect of which trial is pending before the Court of Sessions at Rohini.
2. The ground for quashing of the aforesaid FIR is that the petitioner has arrived at a settlement with the victim on 31.3.2011. Copy of the compromise has been placed on record at page 19 to 21. In terms of the said compromise, it has been stated that with the intervention of some respectable persons of the society, both the parties have settled their disputes and the complainant does not want to pursue the matter further. The affidavit of the parties have also been placed on record.
3. The petitioner and the complainant are present in Court and are

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Certify that the digital and physical file have
been compared and the digital data is as per
the physical file and no page is missing.

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duly identified by their respective counsel.

4. The learned APP has pointed out that the statement of PW-1 and PW-2 have already been recorded though the cross examination was deferred at the instance of the accused on 3/4 occasions. It is further stated that in the event, Court being inclined to quash the aforesaid FIR, the petitioner should be burdened with costs.
5. I have considered the rival contentions and gone through the record.
6. Since the cross examination of the witnesses is yet to be completed and the dispute was more or less personal in nature, which had taken place on the spur of moment, I feel that in order to maintain peace and tranquility between the parties, it will be just and proper that the aforesaid FIR and the consequent proceedings are quashed. Needless to say that this is an FIR which was registered in the year 2008 and police machinery was put into motion, charge sheet was filed and time of the Court has been wasted, therefore, the petitioner deserve to be burdened with costs. Accordingly, subject to the petitioner depositing a sum of Rs.10,000/- with the Delhi High Court Legal Services Committee, FIR no.39/2008, u/S 308 IPC registered by P.S. Narela and the consequent proceedings are quashed.

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7. The petitioner shall produce the original receipt of the deposit of the said amount before the Trial Court before the present order is acted upon.


V.K. SHALI,J

NOVEMBER 22, 2011

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