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

+ CRL.M.C. 3821/2011

% Judgment delivered on: 21st November, 2011

MOHD ILYAS & ORS

..... Petitioner
Through : Mr. K. Rana , Adv.

versus

STATE & ORS

..... Respondent
Through: Mr. Naveen Sharma,
Ld. APP for State.
With ASI Kanta Prasad, PTC,
Jharoda, Delhi, PS-Farsh Azar.

CORAM:
HON'BLE MR. JUSTICE SURESH KAIT

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| 1. Whether the Reporters of local papers
may be allowed to see the judgment? | No |
| 2. To be referred to Reporter or not? | No |
| 3. Whether the judgment should be reported
in the Digest? | No |

SURESH KAIT, J. (Oral)

CRL. M.A. 18133/2011

Delay of 107 days condoned.

+ **CRL. M.C. 3821/2011**

1. Ld. Counsel for the petitioner submits that vide FIR no.144/2010, case under Section 452/323/342/506/34 Indian Penal Code, 1860 was registered against the petitioners on the complaint of respondent no. 2.

2. He further submits that vide compromise deed dated 10.03.2011, respondent no. 2 has settled all the issues qua the aforesaid FIR against the petitioners and he does not want to pursue the case further.

3. Respondent no. 2 Mr. Neeraj Sharma, S/o, Sh. Subhash Sharma is personally present in the Court. IO / ASI Kanta Prasad identified him as Neeraj Sharma, S/o, Sh. Subhash Sharma. He further submits that since both are staying in the same locality, therefore due to the intervention of the friends and neighbors, the parties arrived at settlement and he does not want to pursue the case further, therefore, if the present FIR is quashed, he has no objection.

4. Ld. APP on the other hand, submits that initially on 28.06.2010, respondent no. 2 was on the way to hospital with his neighbour Ghawri, who was critically ill. Somehow, the Hunk Motorcycle of Hero Honda hit with the Santro Car no.DL7C E 2185 of respondent no. 2. Due to the altercation, the youngest son of petitioner no. 1, who is not made accused did not allow him to go and altercation took place, due to which respondent no. 2 could not take the said Ghawri (now deceased) to the Hospital and the same person died on the very same day in the hospital.

5. Thereafter, after two days of the said incident, petitioners came to his house and injured respondent no.2.

6. Ld. APP for the States that due to the youngest son of petitioner

no.1 on 28.06.2010, life of the said person Ghawri has lost. Therefore, while quashing the FIR heavy cost may be imposed on the petitioners. He further submits that said costs may be given to the family of the deceased person.

7. Keeping in view the compromise deed dated 10.03.2011 and the submission of respondent no. 2, who does not want to pursue the case further, in the interest of justice I quash the FIR and emanating proceedings thereto.

8. However, I found forced in the submission of Ld. APP and I impose a cost of Rs.10,000/- each to the petitioners, to be paid to the deceased family. The total amount of Rs.30,000/- shall be paid within 2 weeks from today. Proof of the same shall placed on record by the IO.

9. Crl. M.C. 3821/2011 is accordingly allowed on the above terms.

10. Dasti.

SURESH KAIT, J

NOVEMBER 21, 2011

jg