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

+ CRL.M.C. 3573/2011

% Judgment delivered on:31st October, 2011

ZILE SINGH & ORS Petitioner
Through: Mr. Rajesh Kumar, Adv.
versus

STATE NCT OF DELHI & ORS Respondent
Through: Ms. Ritu Gauba APP for State
/R-1. Mr. B.L. Madbhukar, Adv. / R-2 to
7

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)

1. Ld. Counsel for the Petitioner submits that vide FIR No.674 dated 30.09.1999 case under Section 186/332/352/34 IPC has been registered against the petitioners on the complaint of respondent no.2. Respondent no. 3-7 are the injured persons.

2. Further submits that the Complainant and the injured persons have amicably settled the issues vide compromise

deed dated 07.09.2011.

3. Respondent no. 2 / Complainant K.V. Radhakrishnan is personally present in Court along with respondent no. 3 to 7 / injured. All jointly prayed that they have settled all the issues qua the aforesaid FIR and do not want to pursue this case further.

4. Ld. APP for the State has strongly objected to quash the FIR and submits that recently Hon'ble Supreme Court has referred three cases ***B.S. Joshi V. State of Haryana (2003) 4 SCC 675, Nikhil Merchant v. Central Bureau of Investigation and Anr. (2008) 9 SCC 677 and Manoj Sharma Vs, State & Ors. (2008) 16 SCC 1*** to the larger Bench to determine the correctness of the decisions vide case ***Gian Singh Vs. State of Punjab & Anr. in SLP (Crl.) No.8989/2010***. She has prayed that till the decisions of the larger Bench of the Hon'ble Supreme Court, FIR may not be quashed. Alternatively she has prayed that if the court is inclined to quash the FIR, heavy cost may be imposed on the petitioners.

5. Since, I have taken view in number of cases, keeping in

view the Judgment in a case ***Nari Motiram Hira Vs. Avinash Balkrishnan & Anr.*** in ***Crl.W.P.No.995/2010 decided on 03.02.2011*** whereby the Double Bench of Bombay High Court has quashed the FIR when the compoundable offences were there.

6. I am also of the view that till the larger bench of the Supreme Court has reversed or alter the decisions in cases ***B.S. Joshi V. State of Haryana (2003) 4 SCC 675, Nikhil Merchant v. Central Bureau of Investigation and Anr. (2008) 9 SCC 677 and Manoj Sharma Vs, State & Ors. (2008) 16 SCC 1***, these Judgments still hold the field.

7. I note that petitioner no. 1 is working as a driver in Tihar Jail and petitioner no. 2 is the son of petitioner no. 1. Both the petitioners and respondents were staying in the same colony of Tihar. Therefore, some altercation took place between the parties. Now, they have settled the issue. Since both are staying in the same locality, vide this act, the enmity between the parties should not be allowed to have an impact on a harmonious neighbourhood.

8. In the interest of justice, I quash the FIR no. 674 dated

30.09.1999 and emanating proceedings thereto.

9. Petitioner no. 1 and 2 has come forward and wish to donate the same amount for the welfare purposes. I therefore, the petitioner no. 1 and 2 to pay Rs.5,000/- each in favour of Principal / Head Master, Nursery Primary School for Deaf, D-Block, Kalkaji, New Delhi within 2 weeks from today. Proof of the same shall be placed on record.

10. Crl. M.C. 3573/2011 is allowed and disposed of accordingly in the above terms.

11. Since Crl. M.C. 3573/2011 is allowed, Crl.M.A. 12692/2011 become infructuous and disposed of as such.

12. Dasti.

SURESH KAIT,J

OCTOBER 31, 2011
jg