

\$~34 & 37

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

+ (i) **CRL.M.C. 2187/2013 & Crl. M.A. Nos. 8477/2013 & 8478/2013**

MOHD.SAHID & ORS. Petitioner
Through: Mr. V.K. Malik, Mr. Rahul
Mahaja, Mr. Rajiv C.M,
Advocates

versus

STATE NCT OF DELHI Respondent
Through: Mr. Sunil Sharma, Additional
Public Prosecutor for respondent –
State
Mr. Tarun Gambhir, Mr. Gaurav
Goswami, Mr. Pankaj Mendiratta
& Mr. Jitender G., Advocates for
complainant

+ (ii) **CRL.M.C. 2193/2013 & Crl. M.A. Nos. 8497/2013 & 8498/2013**

KARAN KAPOOR & ORS. Petitioners
Through: Mr. Tarun Gambhir, Mr. Gaurav
Goswami, Mr. Pankaj Mendiratta
& Mr. Jitender G., Advocates

versus

STATE NCT OF DELHI Respondent
Through: Mr. Sunil Sharma, Additional
Public Prosecutor for respondent-
State
Mr. V.K. Malik, Mr. Rahul
Mahaja, Mr. Rajiv C.M,
Advocates for complainant.

2

CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
24.05.2013

%

In the above captioned two petitions, quashing of FIR No. 207/2011 under Sections 324/34 of the IPC [in CrI. M.C. No. 2187/2013] and FIR No. 152/2011 under Sections 323/354/452/34 of the IPC [in CrI. M.C. No.2193/2013] both registered at police station Hazrat Nizamuddin, New Delhi, is sought.

Counsel for petitioners' states that petitioners in the above captioned two petitions happen to be neighbours and due to misunderstanding, some dispute arose between them and they manhandled each other and this culminated into registration of the aforesaid cross FIRs in question and that now with the intervention of elderly persons, *inter se* dispute has been amicably resolved in terms of Memorandum of Settlement of 21st May, 2013 by the parties.

Learned Counsel for respondent-State submits that the above noted FIRs are cross cases, whose subject matter stands settled vide Memorandum of Settlement of 21st May, 2013 arrived at between the parties. The factum of settlement has been already got verified by learned Additional Public Prosecutor for respondent-State, who submits that on the basis of identify proof furnished by the parties, they have been identified as Sanjay Kapur, being the first informant of FIR No. 207/2011 [in CrI. M.C. No. 2187/2013] & Mohd. Shahid, being the first-informant of FIR No. 152/2011 [CrI. M.C. No. 2193/2013] and the injured- Satpal Singh Yadav @ Goldy, Mrs. Amna @ Bobby, Sanjay Kapoor & Sanjiv in

this case.

Sanjay Kapur & Mohd. Shaid, who are the first-informants of two cross afore-noted FIRs, are present in the Court and they submit that the aforesaid Memorandum of Settlement of 21st May, 2013 has been arrived at of their own free will, which has been already acted upon and they affirm contents of their affidavits placed on record giving *no objection* to the quashing of afore-noted FIRs in question.

In '*Gian Singh Vs. State of Punjab*' (2012) 10 SCC 303 Apex Court has recognized the need of amicable resolution of disputes in cases like the instant one, by observing as under:-

"61. In other words, the High Court must consider whether it would be unfair or contrary to the interest of justice to continue with the criminal proceedings or continuation of criminal proceedings would tantamount to abuse of process of law despite settlement and compromise between the victim and the wrongdoer and whether to secure the ends of justice, it is appropriate that criminal case is put to an end and if the answer to the above question(s) is in the affirmative, the High Court shall be well within its jurisdiction to quash the criminal proceedings."

Considering the fact that the subject matter of the afore-noted FIRs pertains to a trivial dispute, which has been amicably and mutually resolved in terms of Memorandum of Settlement of 21st May, 2013 and to bring cordiality and peace amongst the parties, it would be in the interest of justice to quash the FIRs in question.

Accordingly, FIR No. 207/2011 under Sections 324/34 of the IPC

u

[in CrI. M.C. No. 2187/2013] and FIR No. 152/2011 under Sections 323/354/452/34 of the IPC [in CrI. M.C. No.2193/2013] both registered at police station Hazrat Nizamuddin, New Delhi are quashed qua petitioners-accused persons.

The above captioned two petitions and applications are accordingly disposed of.


(SUNIL GAUR)
JUDGE

MAY 24, 2013

r