

\$~26 & 27

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

+ **CRL.M.C. 2291/2013 & CrI.M.A. 8851/2013**

MURARI KANT GUPTA & ORS Petitioners

Through: Mr. Sameer Chandra, Mr. Rajesh
Kaushik and Mr. Lokur Raza,
Advocates

versus

STATE & ORS Respondents

Through: Mr. Sunil Sharma, Additional
Public Prosecutor for respondent-
State with SI Manmohan Yadav
and ASI Ram Niwas

+ **CRL.M.C. 2292/2013 & CrI.M.A. 8854/2013**

SANDEEP CHAUDHARY @ SONU & ORS Petitioners

Through: Mr. Sameer Chandra, Mr. Rajesh
Kaushik and Mr. Lokur Raza,
Advocates

versus

STATE & ORS Respondents

Through: Mr. Sunil Sharma, Additional
Public Prosecutor for respondent-
State with SI Manmohan Yadav

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER

% **29.05.2013**

Quashing of FIR No.225/2013 under Sections 452/427/323/406/34
of *IPC* registered at P.S. Dabri, Delhi (in CrI. M.C. 2291/2013) and FIR
No.226/2013 under Sections 324/323/34 of *IPC* registered at P.S. Dabri,

CrI.M.C. 2291/2013 & 2292/2013

Page 1

Signature Not Verified

Signing Date: 17/09/2024 17:08:26
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.

Delhi (in Crl. M.C. 2292/2013) is sought by petitioners while asserting that both these petitions pertain to incident of 1st May, 2013 and FIR No.226/2013 is a cross FIR against FIR No.225/2013 and the misunderstanding between the parties has been cleared vide *Memorandum of Understanding* of 22nd May, 2013.

Notice.

Mr. Sunil Sharma, learned Additional Public Prosecutor accepts notice for respondent-State.

In FIR No.225/2013, respondents No. 2 to 4, present in the Court, accept notice and they are identified to be the complainants/injured persons in FIR No.225/2013 by SI Manmohan. Likewise respondents No. 2 to 7 accept notice and they have been identified to be the complainant party/injured persons in FIR No.226/2013 by SI Manmohan. Complainant party/injured persons in both these FIRs submit that they are neighbours at their workplace and with the intervention of common friends and business community members, the misunderstanding between the parties has been now cleared and therefore, no useful purpose would be served in continuing with the proceedings arising out of these two FIRs in question. Complainant party/injured persons in both these FIRs affirm the contents of their respective affidavits.

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

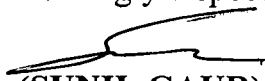
3

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 that the incident in question arose out of a triviality and the misunderstanding between the parties has been now cleared, therefore, continuance of proceedings arising out of these two FIRs would be an exercise in futility.

Accordingly, both these petitions are allowed and FIR No.225/2013 under Sections 452/427/323/406/34 of IPC registered at P.S. Dabri, Delhi (in CrI. M.C. 2291/2013) and FIR No.226/2013 under Sections 324/323/34 of IPC registered at P.S. Dabri, Delhi (in CrI. M.C. 2292/2013) and proceedings emanating therefrom stand quashed qua accused persons while impressing upon both the sides to maintain good behaviour in future.

Both the petitions and the applications are accordingly disposed of.


(SUNIL GAUR)
Judge

MAY 29, 2013

S