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

+ **CRL.M.C. 2954/2013**

VIKRANT @ VICKY @ GOLU & ANR. Petitioners

Through: Mr. Varun Kumar, Advocate

versus

STATE & ORS. Respondents

Through: Mr. Mukesh Gupta, Additional
Public Prosecutor for respondent
No.1- State with SI Samay Kumar
Mr. Atul Bhandu, Advocate for
respondents No. 2 to 4

+ **CRL.M.C. 2955/2013**

PRADEEP KUMAR & ORS Petitioners

Through: Mr. Atul Bhandu, Advocate

versus

STATE & ANR. Respondents

Through: Mr. Mukesh Gupta, Additional
Public Prosecutor for respondent
No.1- State with SI Samay Kumar
Mr. Varun Kumar, Advocate for
respondents No. 2 & 3

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER

% **30.07.2013**

The above captioned two petitions arise out of one incident of 26th May, 2013, when a quarrel took place amongst petitioners and respondents of these petitions. Pursuant thereto, FIR No. 144/2013, under Sections 308/427/506/34 of the IPC (in Crl. M.C. No. 2954/2013) and cross FIR No. 143/2003, under Sections 308/452/34 of the IPC (in Crl.

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the physical file and no page is missing.

M.C. No. 2955/2013) were got registered at Police Station Sector -23 Dwarka, Delhi quashing of which is sought by parties in these petitions on the ground that *inter se* dispute between the parties has been resolved through Panchayat and Biradari in terms of Compromise Deed of 4th June, 2013 (*Annexure -C*).

Notice.

Mr. Mukesh Gupta, learned Additional Public Prosecutor accepts notice for respondent No.1-State. Mr. Varun Kumar and Mr. Atul Bandhu, Advocates, accept notice on behalf of remaining respondents in both the above petitions. Counsel representing both sides submit that parties are present in person.

Learned Additional Public Prosecutor for respondent No.1-State submits that on the basis of identity proof produced by the parties, they have been identified as petitioners and respondents in the above captioned petitions by SI Samay Kumar, Investigating Officer of this case.

Pradeep Kumar, Satish Kumar and Surender Kumar are complainants of FIR No. 143/2013 (in Crl. M.C. No. 2954/2013) and *Suman and Vikrant @ Vicky*, are complainant of FIR No. 144/2013 (in Crl. M.C. No.2955/2013), who are present in the Court and they submit that they are neighbours and the misunderstanding has now been cleared with petitioner-accused persons and now no dispute survives amongst them and they affirm contents of their affidavits placed on record giving *no objection* to the quashing of FIR 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:-

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"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."

In the peculiar facts and circumstances of this case, it is deemed appropriate that proceedings arising out of FIRs in question be brought to an end to enable the parties to resume cordial relations amongst them.

Consequently, FIR No. 144/2013, under Sections 308/427/ 506/34 of the IPC (in Crl. M.C. No. 2954/2013) and cross FIR No. 143/2003, under Sections 308/452/34 of the IPC (in Crl. M.C. No. 2955/2013), registered at Police Station Sector -23 Dwarka, Delhi and proceedings emanating there-from are quashed qua petitioner-accused persons subject to cost of ₹30,000 (*to be equally shared by accused of these two FIRs*) with the Prime Minister's Relief Fund within a week.

Both the above captioned petitions are disposed of in aforesaid terms.

Dasti.


(SUNIL GAUR)
JUDGE

JULY 30, 2013

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Crl. M.C. No. 2955/2013

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*For Crl. M.C. 13644/13 for
correction of order dt.
30-07-2013*

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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 2954/2013**

VIKRANT @ VICKY @ GOLU & ANR. Petitioner
Through: Mr. Varun Kumar, Advocate

versus

STATE & ORS. Respondents
Through: Mr. Mukesh Gupta, Additional
Public Prosecutor for respondent
No.1- State

+ **CRL.M.C. 2955/2013**

PRADEEP KUMAR & ORS Petitioner
Through: Mr. Atul Bhandu, Advocate

versus

STATE & ANR. Respondents
Through: Mr. Mukesh Gupta, Additional
Public Prosecutor for respondent
No.1- State

CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
11.09.2013

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Crl.M.A. No.13643/2013 (u/S 482 Cr.P.C.) in Crl.M.C. No.2954/2013
Crl.M.A. No.13644/2013 (u/S 482 Cr.P.C.) in Crl.M.C.No.2955/2013

Modification of order of 30th July, 2013 of this Court is sought by
this application, whereby FIR No. 144/2013, under Sections

308/427/506/34 of the IPC (Crl. M.C. No.2954/2013) and FIR No. 143/2011, under Sections 308/452/34 (in Crl. M.C. No.2955/2013) ,, both registered at police station Sector-23 Dwarka, Delhi were quashed.

Upon notice, learned Additional Public Prosecutor for respondent-State submits that the mistake is innocuous one and this application can be allowed.

In the light of above, it is directed that in the order of 30th July, 2013, FIR No. 143/2003 be read as FIR No. 143/2013. It is also directed that in paragraph No.4 of the aforesaid order, *Pradeep Kumar, Satish Kumar and Surender Kumar* be read as accused in FIR No. 143/2013 (in Crl. M.C. No.2954/2013) and *Vikrant @ Vicky* be read as accused in FIR No. 144/2013 (in Crl. M.C. No. 2955/2013) and *Lakhmi Chand* be read as the complainant of this FIR.

With aforesaid modification in the order of 30th July, 2013, this application is disposed of.


(SUNIL GAUR)
JUDGE

SEPTEMBER 11, 2013

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