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

+ W.P.(CRL) 1140/2012

T HARISH RAO & ORS.

..... Petitioners

Through: Mr. Sudhir Nandrajog, Sr. Advocate
with Mr. Rajat Katyal, Advocate with all the
four petitioners in person.

versus

STATE NCT OF DELHI & ORS.

..... Respondents

Through: Mr. Saleem Ahmed, ASC for State
with ACP Hareesh, Cyber Crime Cell.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

ORDER

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18.07.2013

1. The present petition has been filed by four petitioners under Articles 226/227 of the Constitution of India read with Section 482 Cr.PC praying *inter alia* for the quashing of FIR No.146/2011 lodged by the respondent No.2 under Sections 186/353/509 IPC and Section 3 of Schedule Caste and Schedule Tribes (Prevention of Atrocities) Act, 1989, registered at Police Station: Tilak Marg.

2. Mr. Sudhir Nandrajog, Senior Advocate appearing for the petitioners submits that before the charge-sheet came to be filed by the State, the petitioners and respondents No.2 and 3 had arrived at an out of court settlement as recorded in the Memorandum of

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Understanding (MOU) dated 25.07.2012 executed at Hyderabad (Annexure-B). However, a perusal of the aforesaid MOU, particularly, the second last page thereof reveals that it has been recorded that the incident of the violence that had allegedly occurred in the Andhra Pradesh Bhawan complex situated at Ashoka Road, New Delhi on 21.07.2011, had never happened. On a query addressed to the counsel for the petitioners as to how the aforesaid statement has been recorded in the MOU, when after registration of the FIR, investigation was undertaken and charge-sheet had been filed on 16.05.2013, learned counsel submits that the petitioners do not deny the fact that the incident in question of physical assault had actually occurred on 21.07.2011 in Andhra Pradesh Bhawan, involving the respondent No.2/complainant and her father, respondent No.3, who at the relevant time, was posted as an OSD (Accommodation) in Andhra Pradesh Bhawan, but he submits that there was some misunderstanding between the parties that has been resolved.

3. It is stated by the counsel for the petitioners that the triggering point of the aforesaid incident was that a young boy, aged 28 years had committed suicide in front of the Parliament House and in the

suicide note left by him, he had expressed his anguish on the delay in the formation of a Telangana State. On receiving the information of the suicide of the youth, petitioners No.1, 2 and 4, who are all MLAs from the State of Andhra Pradesh and the petitioner No.3, who is a former MP hailing from Andhra Pradesh, had assembled alongwith their supporters at Andhra Pradesh Bhawan to pay homage to the deceased and to ensure that his body is dispatched at the earliest to his native place.

4. While awaiting the body of the deceased, the petitioners claim that they were informed that the respondent No.3 was instrumental in directing that the body be taken directly to the crematorium instead of being brought to Andhra Pradesh Bhawan, thus creating a surge of emotions amongst the waiting public, who had gathered there to pay their respect to the deceased. As the atmosphere had become surcharged with emotions, some altercation took place between the petitioners and their supporters on the one hand and the respondent No.3 on the other. In the said melee, the respondent No.2, daughter of the respondent No.3 claimed that she saw some people, including the petitioners herein, assault her father, thus resulting in lodging of the aforesaid FIR by her.

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5. As per the status report filed by the State, after the FIR was registered, investigation was carried out, followed by filing of the charge-sheet, wherein it has been stated that the petitioner No.1 has committed offences punishable under Sections 186/332/353 IPC, but the allegations against petitioners No.2 to 4 could not be substantiated and their names have been mentioned in column No.12 of the charge-sheet as suspects.

6. Learned Senior Advocate for the petitioners submits that the incident that occurred on 21.07.2011 was not a premeditated one and occurred on account of a sudden surge of emotions on the part of the petitioners and their supporters, who had assembled at Andhra Pradesh Bhawan to pay their respect to the departed soul of a young boy, who had committed suicide outside the Parliament House, New Delhi and in the ensuing melee, heated words had been exchanged between the parties, followed by slogan shouting and chaos amongst the public, which had gathered at the spot, resulting in respondent No.3 being assaulted. Further, contrition is expressed by the petitioners, who state that it was never their intention to take the law in their hands.

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7. Counsel for the petitioners states that the incident is regretted by the petitioners and as per their knowledge, there is no other criminal case of this nature pending against the petitioners in any part of the country. Learned ASC for the State also states on instructions from the Investigating Officer that there is no other criminal case of this nature pending against any of the petitioners in Delhi.

8. The petitioners No.1 to 4 and the respondents No.2 and 3 are present in Court. The Court has interacted with the petitioners as also the respondent No.2/complainant. Respondent No.2/complainant, who is identified by the Investigating Officer, confirms that she and her father have arrived at an out of court settlement with the petitioners of their own free will and volition and without any undue influence from any quarters. Similarly, respondent No.3 also confirms that he has arrived at an amicable settlement with the petitioners and both the said respondents state that they are not interested in prosecuting the present FIR any further.

9. The Court has heard the counsels for the parties and has perused the documents placed on record, including the copy of the charge-sheet filed with the status report. Having regard to the fact

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that the petitioners have tendered an apology to the respondents No.2 and 3 for the incident that had occurred on 21.07.2011 which has been duly accepted and since the parties have arrived at an out of court negotiated settlement and further, taking into consideration the fact that there are no other criminal cases of this nature pending against any of the petitioners, this Court is of the opinion that no useful purpose shall be served by continuing with the proceedings arising from the FIR in question. It is therefore deemed appropriate to allow the present petition by quashing FIR No.146/2011 and the proceedings arising therefrom on the following terms and conditions:-

- (i) The petitioners No.1 to 4 shall file their separate affidavits tendering a written apology to the respondents No.2 and 3, with copies to the counsel for the State. In the said affidavit, they shall also undertake that in future, they shall not obstruct any public servant in discharging his/her official duties.
- (ii) The petitioners No.1 to 4 shall pay costs of ₹10,000/- each to each of the respondents No.2 and 3 within four weeks and further, they shall deposit costs of ₹10,000/- each within four weeks in the following manner:-
 - (a) Petitioner No.1 shall deposit ₹10,000/- with the Delhi High Court Legal Services Committee.

- (b) Petitioner No.2 shall deposit ₹10,000/- with the Delhi High Court Mediation and Conciliation Centre.
- (c) Petitioner No.3 shall deposit ₹10,000/- with the Juvenile Justice Fund through the Registrar General of this Court.
- (d) Petitioner No.4 shall deposit ₹10,000/- with the Delhi Police Welfare Fund.

10. The present petition is allowed. FIR No.146/2011 lodged with Police Station:Tilak Marg and all proceedings arising therefrom are quashed while making it clear that in future, if any of the petitioners are found indulging in the nature of offence, subject matter of the present petition, then the court shall revive the present FIR.

11. The petition is disposed of.



HIMA KOHLI, J

JULY 18, 2013
rkb

WD (Crl)

Disposed of

18.07.13

- FIR Quashed

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⇒ Crl.MA- 15322/13 (B, Per.
No. 4 for

extension of
time for
compliance

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

+ W.P.(CRL) 1140/2012

T HARISH RAO & ORS. Petitioner
Through: Mr.Rishab Kaushik, Advocate

versus

STATE NCT OF DELHI & ORS. Respondent
Through: Mr.Hemant Kumar for Mr.Saleem
Ahmed, ASC for the State

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

% **ORDER**
08.10.2013

Crl.M.A.No.15322/2013

This is an application filed by petitioner no.4 seeking extension of time in complying with the order dated 18.7.2013.

Notice. Counsel for the State accepts notice.

For the reasons stated in the application, the application is allowed and the time is extended by one week to comply with the order dated 18.7.2013.

Application stands disposed of. DASTI.

OCTOBER 08, 2013
SSN


G.S.SISTANI, J