

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

Date of Decision: January 16, 2015

+ **CRL.M.C. 167/2015 & Crl. M.A.No.715/2015**

SHABBU & ORS.

..... Petitioners

Through: Mr. Mohd. Taranuum, Advocate

versus

STATE (GOVT OF NCT OF DELHI) & ORS. Respondents

Through: Ms. Nishi Jain, Additional Public
Prosecutor for respondent No.1-
State with SI Narinder
Mr. Salim Malik, Advocate for
respondents No.2 to 8

+ **CRL.M.C. 169/2015 & Crl. M.A.No.718/2015**

ARSHAD & ORS.

..... Petitioner

Through: Mr. Salim Malik, Advocate

versus

THE STATE (GOVT OF NCT OF DELHI) & ORS. .Respondents

Through: Ms. Nishi Jain, Additional Public
Prosecutor for respondent No.1-
State with SI Narinder
Mr. Mohd. Taranuum, Advocate
for respondents No.2 to 5

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

JUDGMENT

(ORAL)

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In the above captioned two petitions, quashing of FIR No. 283/2014 [in Crl. M.C. No. 167/2015] & FIR No. 284/2014

[Crl.M.C.No.169/2015] both under Sections 308/323/341/34 of the IPC and registered at police station Sonia Vihar, Delhi is sought by petitioners on the basis of Agreement 6th August, 2014.

Learned counsel for petitioners submit that these petitions pertain to quashing of cross-FIRs and parties to these petitions are common and therefore, these petitions be heard together.

In view of above, with the consent of counsel for the parties, the above captioned two petitions are heard together and are being disposed of by this common judgment.

Ms. Nishi Jain, learned Additional Public Prosecutor accepts notice of the above captioned two petitions and submits that petitioners and respondents of both the petitions are present in the Court. It is submitted by learned Additional Public Prosecutor for respondent-State that petitioner No.1- *Shabbu* is the complainant/ first-informant of FIR No. 283/2014 [in Crl.M.C.No.167/2015] and petitioner No.1- *Arshad* is the complainant/first-informant of FIR No. 284/2014 [in Crl.M.C.No. 169/2015] and they are present in the Court and they have been indentified to be so by SI Narinder, Investigating Officer of these cases.

Petitioners No. 1 to 14 in Crl.M.C.No.167/2015 and petitioners No.1 to 9 in Crl.M.C.No.169/2015 are said to be descendants of common ancestors and due to some misunderstanding, a property dispute arose between the parties, which stands settled in terms of Agreement of 6th August, 2014. It is submitted by counsel representing both sides that in terms of aforesaid settlement, civil proceedings have been also withdrawn and now, to restore cordiality amongst the parties, proceedings arising out of FIRs in question be brought to an end.

The complainant party of the afore-noted two FIRs affirm the factum of Memorandum of Understanding amongst them and they also affirm contents of their affidavits of 24th December, 2014 placed on record in support of these petitions. They submit that to restore cordiality amongst the parties, proceedings arising out of these FIRs be brought to an end, as the trial has not yet begun.

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."

In view of the fact that the misunderstanding, which led to lodging of these two FIRs stands cleared, this Court finds that continuance of proceedings arising out of these cross FIRs would be an exercise in futility.

Upon deposit of cost of Rupees Twenty Thousand each by petitioners of both these petitions with the *Prime Minister's Relief Fund* within two weeks and after placing on record receipt of cost within a week, proceedings arising out of FIR No. 283/2014 [in CrI. M.C. No. 167/2015] & FIR No. 284/2014 [CrI.M.C.No.169/2015], both under

Sections 308/323/341/34 of the IPC and registered at police station Sonia Vihar, Delhi shall stand quashed.

The above captioned two petitions and applications are disposed of in aforesaid terms.

(SUNIL GAUR)
JUDGE

JANUARY 16, 2015

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