

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

Date of Decision: January 19, 2015

+ **CRL.M.C. 199/2015 & CrI.M.A.826/2015**

RAJPAL SACHDEVA @ RAJU & ANR Petitioners
Through: Mr. R.P. Luthra and Mr. Shivansh
Singh, Advocates

versus

STATE & ORS Respondents
Through: Mr. Parveen Bhati, Additional
Public Prosecutor for respondent-
State with SI Shri Gopal
Respondent No.2 and 3 in person

CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR

% **JUDGMENT**
(ORAL)

Quashing of FIR No.54/2011, under Sections 308/34 of *IPC* registered at police station Shakarpur, Delhi is sought on the basis of *Settlement/Compromise Deed of 26th December, 2014 (Annexure-E)* and on the ground that the misunderstanding which led to registration of the FIR now stands cleared between the parties.

Notice.

Mr. Parveen Bhati, learned Additional Public Prosecutor for respondent-State accepts notice and submits that respondents No.2 & 3, present in the Court, are the complainant party of the FIR in question and they have been identified to be so by SI Shri Gopal on the basis of

identity proof produced by them.

Respondents No.2 & 3, present in the Court, submit that they had received simple injuries in this incident, which is an outcome of misunderstanding between the parties, and that they were discharged from the hospital on the same day. Respondents No.2 and 3 submit that all the disputes have been amicably resolved vide aforesaid *Settlement/Compromise Deed* and the terms thereof have been fully acted upon and the misunderstanding, which led to the incident in question, now stands cleared between the parties, who are said to be neighbours. Respondents No.2 & 3 affirm the contents of aforesaid *Settlement/Compromise Deed* and of their affidavit of 14th January, 2015 supporting this petition and submits that now no dispute with petitioners survives and so, to restore the cordiality amongst the parties, who are neighbours, the proceedings arising out of the FIR in question be brought to an end.

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 the facts and circumstances of this case and in view of aforesaid *Settlement/Compromise Deed*, I find that continuance of proceedings arising out of the FIR in question would be an exercise in futility as the misunderstanding, which led to registration of the FIR, now stands cleared between the parties.

Accordingly, this petition is allowed subject to total cost of ₹20,000/- to be deposited by petitioners with *Prime Minister's Relief Fund* within two weeks from today. Upon placing on record the receipt of cost, FIR No.54/2011, under Sections 308/34 of *IPC* registered at police station Shakarpur, Delhi and the proceedings emanating therefrom shall stand quashed *qua* petitioners.

This petition and the application are accordingly disposed of.

Dasti.

(SUNIL GAUR)
JUDGE

JANUARY 19, 2015

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