

§~37 & 39

* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ CRL.M.C. 677/2015

AMIT KUMAR & ORS Petitioners
Through Mr.H.P.Sharma, Adv.

versus

STATE (NCT OF DELHI) & ORS Respondents
Through Mr.Ravi Nayak, APP for the State
along with SI N.Kumar, PS Swaroop
Nagar, in person.
Mr.Hirandra Kumar, Adv. with
Mr.Diwan Singh, Adv. for R-2 to 5.

+ CRL.M.C. 915/2015

MAHINDER SINGH & ORS Petitioners
Through Mr.Hirandra Kumar, Adv. with
Mr.Diwan Singh, Adv.

versus

STATE (NCT OF DELHI) & ORS Respondents
Through Mr.Ravi Nayak, APP for the State
along with SI N.Kumar, PS Swaroop
Nagar, in person.
Mr.H.P.Sharma, Adv. for R-2 to 5.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN SINGH

ORDER

%

17.03.2015

**Crl. M.A. No.2595/2015 (exemption) in Crl. M.C. No.677/2015 &
Crl. M.A. No.3457/2015 (exemption) in Crl. M.C. No.915/2015**

Exemption allowed, subject to just exceptions.

The applications are disposed of.

2

Crl. M.A. No.3458/2015 in Crl. M.C. No.915/2015

This is an application filed by the petitioners under Section 482 Cr.P.C. for condonation of delay of 5 days in re-filing the present petition.

For the reasons stated in the application, the same is allowed and the delay in re-filing the petition is condoned.

The application is disposed of.

Crl. M.C. No.677/2015 & Crl. M.C. No.915/2015

These are two petitions under Section 482 Cr.P.C.; one filed by the petitioners, namely, Amit Kumar, Rameshwar Dayal, Sumit @ Sumit Kumar Rawal and Smt.Mithlesh, and the other filed by the petitioners, namely, Mahinder Singh, Parveen, Kuldeep and Shakti, for quashing of two cross FIR Nos.320/2014 and 321/2014, both registered on 12th July, 2014, at P.S. Swaroop Nagar, Delhi.

Brief facts of the case are that on 12th July, 2014, a quarrel took place between the parties wherein both the sides allegedly suffered injuries. On the basis of the complaint made by Mahinder Singh (respondent No.2 in Crl. M.C. No.677/2015), the FIR No.320/2014 was registered against the petitioners, i.e. Amit Kumar and others, under Sections 308/427/34 IPC. Amit Kumar (respondent No.2 in Crl. M.C. No.915/2015) also made a complaint in respect of the same incident, on the basis of which the FIR No.321/2014 was registered against the petitioners in the said petition, i.e. Mahinder Singh and others, under Section 308/34 IPC.

Since the parties are neighbours, subsequently, with the intervention of common friends, relatives and the respectable persons of the locality, the parties have settled their disputes amicably by virtue of Compromise/Settlement Deed dated 12th January, 2015. The original deed is placed on

9

the record, which is duly signed by the parties.

One of the petitioners, i.e. petitioner No.3 Sumit @ Sumit Kumar Rawal in Crl. M.C. No.677/2015 and respondent No.4 in Crl. M.C. No.915/2015 is not present. The other parties are present in Court and are duly identified by their respective counsel. They have confirmed the said settlement. Learned APP for the State has pointed out the specific allegations made in FIR No.320/2014 which attract the provisions under the SC/ST Act. However, the complainant Mahinder Singh, who is present in Court, states that due to oversight, such allegations were made.

Considering the facts and circumstances of the case, in order to maintain peace and harmony between the parties and in view of the averments made in the petitions as well as the settlement arrived at between the parties, the FIR Nos.320/2014 and 321/2014, both registered on 12th July, 2014, at P.S. Swaroop Nagar, Delhi and proceedings pursuant thereto are hereby quashed qua the respective petitioners, subject to the condition that the petitioners and respondents No.2 to 5 in Crl. M.C. No.677/2015 shall furnish their personal bonds of good conduct for a period of one year.

Since the State machinery has been used, while quashing the FIR, I impose the cost of Rs.50,000/- each upon both sets of the petitioners in the above said petitions. The petitioners in Crl. M.C. No.677/2015 shall deposit the cost with the Delhi High Court Mediation and Conciliation Centre and the petitioners in Crl. M.C. No.915/2015 shall deposit the cost with the Delhi Police Martyrs Fund, within four weeks from today. The original receipts of depositing the costs shall be filed by the respective petitioners in the Registry within six weeks and a copy thereof be also handed over to the IO. In case the cost is not deposited by the petitioners within the stipulated

25

period, the matter shall be listed before Court for further directions.

The petitions are accordingly disposed of.

MANMOHAN SINGH, J.

MARCH 17, 2015/ka