

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

Date of Decision: January 22, 2015

+ CRL.M.C. 1316/2014

DEEPAK KUMAR Petitioner

Through: Mr. Satish Kumar, Advocate

versus

THE STATE OF GNCT OF DELHI & ORS. Respondents

Through: Mr. Navin Sharma, Additional
Public Prosecutor for respondent
No.1-State with SI Suresh Chand
Ms. Neetu Mishra, Advocate for
respondent No.2

+ CRL.M.C. 1350/2014

AMIT GOGIA & ORS. Petitioners

Through: Mr. Satish Kumar, Advocate

versus

THE STATE OF GNCT OF DELHI Respondent

Through: Mr. Navin Sharma, Additional
Public Prosecutor for respondent
No.1-State with SI Suresh Chand
Ms. Neetu Mishra, Advocate for
respondent No.2

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

JUDGMENT

(ORAL)

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In the above captioned two petitions, quashing of FIR No.

114/2012, under Sections 323/354/452/34 of the IPC [in CrI. M.C. No. 1316/2014] & FIR No. 298/2012, under Sections 323/341/34 of the IPC r/w Sec. 3 of *The Scheduled Castes and The Scheduled Tribes (Prevention of Atrocities) Act, 1989* [in CrI. M.C. No. 1350/2012], both registered at police station Rajouri Garden, New Delhi is sought by petitioners on the basis that the misunderstanding between the parties, which led to registration of the FIRs in question, stands cleared.

Since the incident, which gave rise to registration of FIRs in question is one and quashing of these FIRs has been sought on common grounds, therefore, these petitions were heard together and are being disposed of by this common order.

Mr. Navin Sharma, learned Additional Public Prosecutor for respondent No.1-State submits that respondent No. 2 – *Meenakshi Gogia*, who is the complainant of FIR No. 114/2012 and respondents No. 3 to 9 [in CrI. M.C. No. 1316/2014] who are the injured and respondent No.2- *Deepak Kumar*, who is the complainant of FIR No. 298/2012 [in CrI.M.C.No.1350/2014] are present in the Court and they have been identified to be so by SI Suresh Chand, Investigating Officer of this case.

Learned counsel for petitioners submits that even on merits, no case under Section 3 of *The Scheduled Castes and The Scheduled Tribes (Prevention of Atrocities) Act, 1989* is made out, as the ingredients of this offence are lacking and even no case under Section 354 of the IPC is made out in the cross-FIR.

Respondent No.2- *Meenakshi Gogia*, who is the complainant of FIR No. 114/2012 [in CrI. M.C. No. 1316/2014] and respondent No.2- *Deepak Kumar*, who is the complainant of FIR No. 298/2012 [in

Crl.M.C.No.1350/2014] submits that they are neighbours and the misunderstanding, which led to the incident in question, stands cleared amongst them. They also affirm contents of their affidavits 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.

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 peculiar facts and circumstances of this case and in view of the affidavits of the parties and status report on record, I find that even if version and cross-version of this incident are taken to be correct, still the provisions of *The Scheduled Castes and The Scheduled Tribes (Prevention of Atrocities) Act, 1989* or Section 354 of the IPC are not attracted. It is deemed appropriate that proceedings arising out of these FIRs are brought to an end to restore cordiality amongst the parties.

Accordingly both these petitions are allowed subject to deposit of cost of Rupees twenty Five Thousand only by petitioners in Crl. M.C. No.

1350/2014 with the *Prime Minister's Relief Fund* within two weeks and after placing on record receipt of cost within a week, the proceedings arising out of FIR No. 114/2012, under Sections 323/354/452/34 of the IPC [in Crl. M.C. No. 1316/2014] & FIR No. 298/2012, under Sections 323/341/34 of the IPC r/w Sec. 3 of *The Scheduled Castes and The Scheduled Tribes (Prevention of Atrocities) Act, 1989* [in Crl. M.C. No. 1350/2012], both registered at police station Rajouri Garden, New Delhi shall stand quashed.

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

Dasti.

(SUNIL GAUR)
JUDGE

JANUARY 22, 2015

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