

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

Date of Decision: January 19, 2015

+ CRL.M.C. 2519/2014

MOTIWALA & ORS. Petitioners

Through: Ms. Jyoti Gupta, Advocate

versus

STATE & ORS. Respondents

Through: Mr. Navin Sharma, Additional
Public Prosecutor for respondent
No.1-State with SI Bansi Lal
Mr. Amardeep Singh &
Mr. Baljinder Singh, Advocate for
respondent No.2

+ CRL.M.C. 2522/2014

R.K.SAWHNEY Petitioner

Through: Mr. Amardeep Singh &
Mr. Baljinder Singh, Advocates

versus

STATE & ANR. Respondents

Through: Mr. Vinod Diwakar, Additional
Public Prosecutor for respondent
No.1-State with SI Bansi Lal
Ms. Jyoti Gupta, Advocate for
respondents No.2 & 3

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

JUDGMENT
(ORAL)

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In the above captioned two petitions, quashing of FIR No. 460/2003, under Sections 186/353/356/509 of the IPC [in CrI. M.C. No. 2519/2014] & FIR No. 463/2003, under Sections 341/323/34 of the IPC [CrI.M.C.No.2522/2014] both registered at police station R.K.Puram, New Delhi is sought by petitioners.

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.

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

Mr. Navin Sharma, learned Additional Public Prosecutor accepts notice of the above captioned first petition i.e. CrI.M.C.No.2519/2014 and Mr. Vinod Diwkar, learned Additional Public Prosecutor for respondent-State accepts notice of the above captioned second petition i.e. CrI.M.C.No.2522/2014 .

It is submitted by learned Additional Public Prosecutor for respondent-State that respondent No.2- *R.K. Sawhney* is the complainant/ first-informant of FIR No. 460/2003 [in CrI. M.C. No. 2519/2014] and respondent No.2- *Ashok Dwarkadas Motiwala* is the complainant/ first-informant of FIR No. 463/2003 [in CrI. M.C. No. 2522/2014] and they are present in the Court and they have been indentified to be so by SI Bansi Lal, Investigating Officer of these cases.

It is submitted by both the sides that there is no personal enmity amongst the parties and the dispute, which led to registration of the two FIRs in question, primarily relates to reconciliation of electricity bill,

which now stands amicably resolved. It is submitted by counsel representing both sides that 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 settlement amongst them and they also affirm contents of their affidavits of 20th May, 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 Five Thousand each in both of these petitions with the *Prime Minister’s Relief Fund* within four

weeks and after placing on record receipt of cost within a week thereafter, proceedings arising out of FIR No. 460/2003, under Sections 186/353/356/509 of the IPC [in CrI. M.C. No. 2519/2014] & FIR No. 463/2003, under Sections 341/323/34 of the IPC [CrI.M.C.No.2522/2014] both registered at police station R.K.Puram, New Delhi shall stand quashed.

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

Dasti.

(SUNIL GAUR)
JUDGE

JANUARY 19, 2015

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