

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

Date of Decision: January 13, 2015

+ (i) **CRL.M.C. 2640/2014**

SANJEEV KUMAR BUDHIRAJA & ORS Petitioners
Through: Mr. O.P. Wadhwa, Advocate

versus

STATE & ORS Respondents
Through: Mr. Vinod Diwakar, Additional
Public Prosecutor for respondent-
State with ASI Chander Bhan
Mr. R.S. Malik and Mr. Sahil
Malik, Advocates for respondents
No.2 to 5

+ (ii) **CRL.M.C. 2619/2014**

SANJEEV BHARARA & ORS Petitioners
Through: Mr. R.S. Malik, Mr. Abnave
Sharma and Mr. Sahil Malik,
Advocates

versus

STATE & ORS Respondents
Through: Mr. Naveen Sharma, Additional
Public Prosecutor for respondent-
State with ASI Chander Bhan
Respondents No.2 to 4

CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR

% **JUDGMENT**
(ORAL)

In the above-captioned two petitions, quashing of cross FIRs i.e. FIR No.465/2014 and FIR No.464/2014 both under Sections 452/323/336/341/34 of *IPC* and Section 27 of *the Arms Act* registered at P.S. Rajouri Garden, Delhi is sought on the basis of affidavits of the complainant-party.

With the consent of learned counsel for the parties, both these petitions are being heard together and by this common judgment, they are being disposed of together as they pertain to cross-FIRs which arose out of same incident.

Learned counsel for petitioners-accused persons submits that the incident in question arose out of a misunderstanding between the parties, which now stands cleared and the *Memorandum of Understanding* in the form of settlement is on record alongwith affidavits of the parties and to bring cordiality amongst the parties, the proceedings arising out of the FIRs in question be brought to an end.

Notice.

Mr. Vinod Diwakar and Mr. Navin Sharma, learned Additional Public Prosecutor for respondent-State accept notice and submits that respondents-*Sanjeev Bharara, Anil Bharara, Bhupinder Singh and Krishan Kumar Tiwari (in Crl.M.C.2640/2014)* and respondents-*Sanjeev Kumar, Ashwani Kumar and Bhushan Sikka (in Crl.M.C. 2619/2014)* are present in the Court and they have been identified to be complainant party in FIRs No.465/2014 & 464/2014 respectively by ASI Chander Bhan on the basis of their identity proofs.

Learned Additional Public Prosecutors for respondent-State submit, on instructions, that the trial of these two cross-FIRs cases has not

yet begun and the allegations of firing do not stand substantiated from the investigation conducted and that the antecedents of both the parties are clean.

Complainant-party of the aforesaid two FIRs, present in the Court, submit that the dispute between the parties has been amicably resolved vide *Memorandum of Understanding* of 30th April, 2014 (*Annexure A-7*) and the terms thereof have been fully acted upon and that the misunderstanding, which led to the incident in question, now stands cleared between the parties. Complainant party, present in the Court, affirms the contents of aforesaid *Memorandum of Understanding* and of their affidavits, placed on record in support of these petitions and submits that now no dispute with petitioners survives and so, to restore the cordiality amongst the parties, 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

Memorandum of Understanding and the affidavits of the complainant party, I find that continuance of proceedings arising out of the cross FIRs in question would be an exercise in futility as the misunderstanding, which led to registration of the cross FIRs, now stands cleared between the parties.

Accordingly, both the petitions are allowed subject to cost of ₹30,000/- in each petition to be deposited by the petitioners of both the petitions with *Prime Minister's Relief Fund* within two weeks from today. Upon placing on record the receipt of cost, cross FIRs i.e. FIR No.465/2014 and FIR No.464/2014 both under Sections 452/323/336/341/34 of *IPC* and Section 27 of *the Arms Act* registered at P.S. Rajouri Garden, Delhi and the proceedings emanating therefrom shall stand quashed *qua* petitioners.

The above captioned two petitions are accordingly disposed of.

(SUNIL GAUR)
JUDGE

JANUARY 13, 2015

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