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

Date of Decision: August 12, 2015

+ CRL.M.C. 3924/2013 & Crl.M.A.No.14070/2013

RAMESH & ORS. Petitioners

Through: Mr. Ratnesh Bansal & Mr. Sunny
Kumar, Advocates

versus

STATE OF DELHI & ORS. Respondents

Through: Mr. Vinod Diwakar, Additional
Public Prosecutor for respondent-
State

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER

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(ORAL)

Quashing of FIR No. 73/2010 under Section 323/325/452/506 IPC and Section 27 of *Arms Act* registered at Police Station Nihal Vihar, Delhi, in which charge-sheet has been filed, is sought on the basis of affidavits of respondents No.2 & 3, who were present before the Court when this matter was first taken up on 18th September, 2013 and they had given their no objection to quashing of this FIR. On 18th September, 2013, the matter was deferred for hearing in view of decision of Apex Court in *Gian Singh v. State of Punjab* (2012) 10 SCC 303 and liberty was granted to respondents No.2 & 3 not to appear before the Court as learned Additional Public Prosecutor for respondent-State had strongly opposed this petition by submitting that offence committed is serious one and so it should not be quashed on the ground of compromise.

At the hearing, learned counsel for petitioner submits that firing was done by the second petitioner from a licensed weapon and firing was done to scare and not at the complainant party and since business disputes between the parties have been mutually resolved, therefore, to restore cordiality amongst the parties, the proceedings arising out of this FIR ought to be brought to an end.

Mr. Vinod Diwakar, Additional Public Prosecutor for respondent-State strongly opposes this petition and submits that the facts of this case are such, which do not call for quashing of FIR on the basis of compromise. Attention of this Court is drawn to the contents of the FIR and it is submitted that compromise arrived at between the parties is crude one as it does not explain the incident.

Upon hearing, and on perusal of FIR of this case, *Compromise Deed* (Annexure P-3), affidavits of the parties and material on record, I find that not only this is a case of firing but the manner in which the incident has taken place, does not justify quashing of the FIR in question. As the charge-sheet in this case has been filed, so this case ought to be put to trial. The compromise arrived at between the parties is apparently crude one.

Finding no substance in this petition, it is dismissed while refraining to comment upon merits of this case, lest it may prejudice either side before trial court.

(SUNIL GAUR)
JUDGE

AUGUST 12, 2015

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