

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

Date of Decision: January 20, 2015

+ (i) **CRL.M.C. 4166/2014**

RAJU CHAUHAN & ORSPetitioners
Through: Mr. Anil Tomar, Advocate

versus

THE STATE & ORSRespondents
Through: Mr. Vinod Diwakar, Additional
Public Prosecutor for respondent-
State with SI Sachin
Mr. Naresh K. Daksh, Advocate
with respondents No.2 to 6 in
person

+ (ii) **CRL.M.C. 4172/2014**

VINOD & ORS Petitioners
Through: Mr. Naresh K. Daksh,
Advocate

versus

THE STATE & ANRRespondents
Through: Mr. Vinod Diwakar, Additional
Public Prosecutor for respondent-
State with SI Sachin
Mr. Anil Tomar, Advocate with
respondent No.2 in person

CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR

% **JUDGMENT**
(ORAL)

In the above-captioned first petition, quashing of FIR No.79/2012 under Sections 323/506/308/34 of IPC registered at P.S. Vasant Vihar, New Delhi is sought whereas in the above-captioned second petition, quashing of criminal complaint No.151/01/12 titled *Raju Chauhan v. Vinod & Ors.* under Sections 323/307/308/506/34 of IPC is sought.

Aforesaid quashing is sought on the basis of *Memorandum of Understanding* of 31st March, 2014 and affidavits of the complainant party in these two petitions.

With the consent of learned counsel for the parties, both these petitions were heard together and by this common judgment, they are being disposed of as they pertain to one incident.

Learned Additional Public Prosecutor for respondent-State submits that the complainant parties as well as accused persons of these two petitions are present in the Court and they have been identified to be so by their respective counsel as well as by SI Sachin on the basis of identity proofs produced by them.

Complainant party of these two petitions, present in the Court, submits that the dispute between the parties has been amicably resolved vide aforesaid *Memorandum of Understanding* 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 of these two petitions affirms the contents of aforesaid *Memorandum of Understanding* and of their affidavits filed in support of these two petitions and submits that now no dispute with petitioners-accused persons survives and so, to restore the cordiality amongst the parties, who are neighbours, 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*, I find that continuance of proceedings arising out of the FIR in question would be an exercise in futility as the misunderstanding, which led to registration of the FIR, now stands cleared between the parties.

Accordingly, the above captioned two petitions are allowed subject to cost of ₹10,000/- per petition to be deposited by petitioners with *Prime Minister's Relief Fund* within two weeks from today. Upon placing on record the receipt of cost, FIR No.79/2012 under Sections 323/506/308/34 of IPC registered at P.S. Vasant Vihar, New Delhi [*in Crl.M.C.4166/2014*] and criminal complaint No.151/01/12 titled *Raju Chauhan v. Vinod & Ors.* under Sections 323/307/308/506/34 of IPC [*in Crl.M.C.4172/2014*] and the proceedings emanating therefrom shall stand quashed *qua* petitioners-accused persons.

The above captioned two petitions are accordingly disposed of.

Dasti.

(SUNIL GAUR)
JUDGE

JANUARY 20, 2015

S