

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

Date of Decision: January 20, 2015

+ (i) **CRL.M.C. 4412/2014**

JASWANT & ANR Petitioners

Through: Mr. Amit Soni, Advocate

versus

THE STATE (GOVT. OF NCT OF DELHI) & ORS

..... Respondents

Through: Mr. Navin Sharma, Additional
Public Prosecutor for respondent-
State with SI Deepak
Mr. Sunil Kumar, Advocate with
complainant party in person

+ (ii) **CRL.M.C. 4428/2014**

RAHUL @ LALIT & ORS Petitioners

Through: Mr. Sunil Kumar, Advocate

versus

STATE & ORS

..... Respondents

Through: Mr. Navin Sharma, Additional
Public Prosecutor for respondent-
State with SI Deepak
Mr. Amit Soni, Advocate with
complainant party in person

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

JUDGMENT

(ORAL)

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In the above-captioned two petitions, quashing of FIRs i.e. FIR No.238/2014 under Sections 323/34 of IPC and FIR No.239/2014 under Sections 458/323/324/34 of IPC both registered at P.S.Sadar Bazar, New

Delhi is sought on basis of Settlement of 23rd May, 2014.

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 both these petitions 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 Deepak on the basis of identity proofs produced by them.

Learned Additional Public Prosecutor for respondent-State on instructions from the Investigating Officer of this case submits that both the sides have clean antecedents.

Complainant parties of these two petitions, present in the Court, submit that the incident in question took place on a trivial issue and the misunderstanding, which led to the incident in question, now stands cleared between the parties vide aforesaid *Settlement* and the terms thereof have been fully acted upon. Complainant parties of these two petitions affirm the contents of aforesaid *Settlement* and of their affidavits filed in support of these two petitions and submit that now no dispute with petitioners-accused persons survives and so, to restore the cordiality amongst the parties, who are residing in the same locality, 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 Settlement and the fact that the incident in question took place on a trivial issue, 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 four weeks from today. Upon placing on record the receipt of cost, FIR No.238/2014 under Sections 323/34 of IPC [*in Crl.M.C. 4412/2014*] and FIR No.239/2014 under Sections 458/323/324/34 of IPC both registered at P.S. Sadar Bazar, New Delhi [*in Crl.M.C.4428/2014*] 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

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