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\$~47 (23.01.2015) & 55

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

+ CRL.M.C. 5698/2014

MUNINDER @ MONU & ORS

..... Petitioners

Through: Mr. Mahesh Kumar Gautam,
Advocate

versus

STATE & ORS

..... Respondents

Through: Mr. Navin Sharma, Additional Public
Prosecutor for State with SI Ravi
Bhan PS Khyala

+ CRL.M.C. 304/2015

NEPAL & ORS

..... Petitioners

Through: Mr. Mahesh Kumar Gautam,
Advocate

versus

STATE & ORS

..... Respondents

Through: Mr. Navin Sharma, Additional Public
Prosecutor for State with SI Ravi
Bhan PS Khyala

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER

%

27.01.2015

Crl.M.A.No.1162/2015 in Crl.M.C.No.304/2015

Allowed subject to all just exceptions.

Crl.M.A.No.1163/2015 in Crl.M.C.No.304/2015

This application is filed seeking condonation of delay in re-

filing the petition.

For the reasons stated in the application, the application is allowed and delay is condoned.

Crl.M.C.No.5698/2014 & Crl.M.C.No.304/2015

In the above-captioned two petitions, quashing of cross FIRs viz. FIR No.300/2014 and FIR No.299/2014 both under Section 308 IPC registered at Police Station Khayala, Delhi is sought on the basis of misunderstanding between the parties having been cleared.

With the consent of parties, both the petitions were heard together and are being disposed of by this common order. Learned Additional Public Prosecutor for respondent-State submits that complainant-party of both these FIRs, present in Court, are identified to be so by SI Ravi Bhan, who is the Investigation Officer of this case. Respondents-*Amit, Nepal and Maya Devi* in Crl.M.C.No.5698/2014 (accused in FIR No.300/2014) as well as respondents-*Muninder @ Monu, Vishal and Alka @ Arpita* in Crl.M.C.No.304/2014 (accused in FIR No.299/2014), present in the Court, submit that misunderstanding between the parties now stand cleared and affirm factum of settlement of 28th April, 2014, arrived at between the parties as well as affirms the contents of their affidavits placed on record. It is submitted by complainant-party of these FIRs that they are neighbours and to restore cordiality amongst them proceeding arising out of these FIRs 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 view of the fact that dispute between the parties, who are neighbours, arose on a petty issue, which has now been settled, therefore, continuance of proceedings arising out of the FIRs in question would be an exercise in futility.

Accordingly, these petitions are allowed subject to cost of ₹10,000/- in each petition to be deposited by petitioners with the *Prime Minister's Relief Fund* within two weeks from today. Upon placing on record the receipts of cost deposited, FIR No.300/2014 and FIR No.299/2014 both under Section 308 IPC registered at Police Station Khayala, Delhi and the proceedings emanating therefrom shall stand quashed *qua* petitioners.

This petition is accordingly disposed of.


(SUNIL GAUR)
Judge

JANUARY 27, 2015
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