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

Judgment delivered on: 18th November, 2015

+ **CRL.M.C. No.4139/2015**

TRILOK CHAND PALI & ORS

..... Petitioners

Represented by: Mr. ViKram Aggarwal, Advocate
with Petitioners in person.

Versus

STATE (NCT OF DELHI) & ANR

..... Respondents

Represented by: Mr. Mukesh Kumar, Additional
Public Prosecutor for the State with
SI Mahender P.S. Subzi Mandi.
Ms. Komal Bhardwaj, Advocate for
Respondent No.2 with Respondent
No.2 in person.

CORAM:

HON'BLE MR. JUSTICE SURESH KAIT

SURESH KAIT, J. (Oral)

1. Vide the present petition filed under Section 482 of the Code of Criminal Procedure, 1973, petitioners seek quashing of FIR No.146/2007 registered at Police Station Subzi Mandi, Delhi, and the consequential proceedings emanating therefrom against them.

2. It is noted that the FIR in question was initially registered under Sections 323/341/506 IPC, accordingly, after investigation chargesheet was filed by the police. However, vide order dated 13.08.2013, the learned Trial Court has framed charge against the petitioners under Sections 325/341/34 IPC.

3. Learned counsel appearing on behalf of the petitioners submit that the aforesaid case was registered on the complaint of respondent No.2, Amit Jain and matter is pending for recording evidence. Meanwhile, the petitioners and the respondent No.2 have amicably settled their disputes vide Settlement/Agreement dated 20.07.2015 arrived at before the Judge Incharge, Mediation Centre, Tis Hazari Courts, Delhi.

4. Respondent No.2 is personally present in the Court through learned counsel, above named. He has been duly identified by the Investigating Officer of the case. The respondent No.2 does not dispute as to what is stated by learned counsel for petitioners and submits that she does not wish to pursue this case further and has no objection if the present petition is allowed.

5. Learned Additional Public Prosecutor appearing on behalf of the State submits that after framing of charge against the petitioners, the case is pending for recording evidence. Since the parties have amicably settled the matter and the respondent No.2/complainant does not wish to pursue the case against the petitioners, therefore, looking to the overall circumstances, no useful purpose will be served in continuing the proceedings. Thus, the State has no objection if the present petition is allowed.

6. Undisputedly, offence punishable under Sections 325/341/34 IPC is compoundable and the petitioners should have approached the learned Trial Court. However, the parties invoked the jurisdiction of this Court under Section 482 Cr.P.C., instead of moving learned Trial Court for compounding the matter.

7. Both the parties who are present in the Court today, approbate the aforesaid settlement dated 20.07.2015 and undertake to remain bound by the same.

8. In view of the above discussion, considering the settlement arrived at between the parties and the statement of respondent No.2 and the learned Additional Public Prosecutor for the State, I am of the considered opinion that this matter deserves to be given a *quietus* as continuance of proceedings arising out of the FIR in question would be an exercise in futility.

9. Consequently, FIR No.146/2007 registered at Police Station Subzi Mandi, Delhi, for the offences punishable under Sections 325/341/34 IPC and all proceedings emanating therefrom are hereby quashed qua the petitioners.

10. In view of the above, the present petition is allowed with no order as to costs.

11. A copy of this order be given *dasti* to the learned counsel for the parties.

**SURESH KAIT
(JUDGE)**

NOVEMBER 18, 2015
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