

#14 & 24

IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of decision: 29.09.2015

W.P.(CRL) 2180/2015

ANKUR AGGARWAL

..... Petitioner

Through: Mr. Shailender Dahiya and Ms.
Rashmi Dahiya, Advocates

versus

STATE & ORS

..... Respondents

Through: Mr. Ankit Kumar Gulia, Advocate for
Mr. R.S. Kundu, ASC (Criminal) and
ASI Ramesh Kumar, PS- South
Rohini for R-1
Mr. Amit Vohra, Advocate for R-2 &
R-3

W.P.(CRL) 2181/2015

RAMESH ARORA & ANR

..... Petitioners

Through: Mr. Amit Vohra, Advocate

versus

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

Through: Mr. Ankit Kumar Gulia, Advocate for
Ms. Kamna Vohra, ASC (Criminal)
with WSI Rani Jassal, PS-South
Rohini for R-1
Mr. Shailender Dahiya and Ms.
Rashmi Dahiya, Advocates for R-2 &
R-3

CORAM:
HON'BLE MR JUSTICE SIDDHARTH MRIDUL

SIDDHARTH MRIDUL, J (ORAL)

CRL.M.A.14343/2015 in W.P.(CRL) 2180/2015
CRL.M.A.14344/2015 in W.P.(CRL) 2181/2015

Exemption granted subject to all just exceptions.

The applications are disposed of accordingly.

W.P.(CRL) 2180/2015
W.P.(CRL) 2181/2015

1. The above writ petitions seek quashing of cross FIRs registered by the parties against each other.
2. In Writ Petition (Criminal) No.2180/2015 quashing is sought of FIR bearing No.679/2015, under sections 323/341/34 IPC, registered at Police Station- South Rohini, Delhi and the proceedings arising therefrom.
3. In Writ Petition (Criminal) No.2181/2015 quashing is sought of FIR bearing No.680/2015, under sections 323/341/354(A)/354(D)/506/509/34 IPC, registered at Police Station- South Rohini, Delhi and the proceedings arising therefrom.
4. The parties are present in person and state in unison that the subject cross FIRs were the consequence of an altercation over parking space between neighbours.

5. Counsel for the parties state that a fight broke out between the neighbours, who are the complainants and the accused in the respective FIRs, on 26.08.2015, on account of parking of vehicles at Pocket D-14, Sector-3, Rohini, Delhi. The altercation lead to the petitioners in Writ Petition (Criminal) No.2181/2015 registering an FIR under sections 323/341/34 IPC being FIR No.679/2015 at Police Station- South Rohini, Delhi against Ankur Aggarwal. Ankur Aggarwal, the writ petitioner in Writ Petition (Criminal) No.2180/2015 similarly registered an FIR No.680/2015, under sections 323/341/354A/354D/506/509/34 IPC at Police Station- South Rohini, Delhi against Ramesh Arora and Jyoti Arora.

6. The parties state that with the intervention of neighbours, friends and family they have settled all their misunderstandings and have entered into a Memorandum of Understanding dated 17.09.2015. The terms and conditions of the said Memorandum of Understanding are as under:-

- “1. That both the parties have amicably resolved all their disputes, differences and claims against each other and they have decided to not to prosecute each other in the above said FIRs.
2. That it is agreed by both the parties that the unfortunate fight had broken out suddenly between the parties without any pre-planning on account of a sudden dispute over

parking of vehicles in the parking area of Pocket D-14, Sector-3, Rohini, Delhi.

3. That it is also agreed that some public persons who were affected by the said fight due to traffic jam had also joined in the fight and had roughed up and pushed up the parties and their particulars are not known to the parties.
4. That it is also agreed by the parties that the alleged respective injuries caused to the parties were unintentional and on account of sudden fight and further it was not clear as to who had caused the alleged injuries. It is also agreed that the First Party was not assaulted with any intent to disrobe and outrage her modesty. It is also agreed that both the FIRs were got registered by the parties on account of misunderstandings which were cleared by each other during the subsequent meeting.
5. That both the parties are neighbours as the First and Second Party are residing near the business premises of the Third and Fourth Party and they want to maintain peaceful and cordial relations in future.
6. That both the parties have amicably decided not to prosecute each other in the above said FIRs and further not to raise any claim against each other and their respective family members, relatives, friends etc. In future in any manner.
7. That both the parties have agreed to cooperate with each other for quashing of the above said FIRs and the proceedings/investigations arising out of the same by

filing appropriate affidavits and by making statements in person before Hon'ble Delhi High Court.

8. That it is specifically agreed that the parties will not claim any compensation from each other in future in any manner before any Court of Law or any Authority in respect of any injury or any other losses suffered by them on any account.
9. That this Memorandum of Understanding has been signed and executed by both the parties to the MOU out of their free will and consent, without any pressure from any corner and after understanding the contents of same in vernacular. This settlement can neither be cancelled nor revoked at any time in future and if any party backs out from the same, the other party would be at liberty to get the same implemented from competent Court of Law and the withdrawing party will not be entitled to raise any objection to the same.”

7. In view of the aforesaid, the complainants in the respective FIRs, who are present in person as aforesaid and have been identified by the IOs ASI Ramesh Kumar and WSI Rani Jassal, Police Station- South Rohini, Delhi respectively state that they are no longer keen to proceed with the subject FIRs and the proceedings arising therefrom.

8. Since the parties in the cross FIRs have settled their dispute over parking space for vehicles in a good and amiable manner, without any undue

influence, pressure or coercion, no useful purpose will be served by proceeding with the subject cross FIRs and the proceedings arising therefrom. Consequently, the subject cross FIRs bearing No.679/2015, under sections 323/341/34 IPC, registered at Police Station- South Rohini, Delhi and FIR No.680/2015, under sections 323/341/354(A)/354(D)/506/509/34 IPC, registered at Police Station- South Rohini, Delhi and the proceedings arising therefrom are hereby set aside and quashed qua all the petitioners in Writ Petition (Criminal) Nos.2180/2015 and 2181/2015 respectively, subject to the petitioners depositing a sum of Rs.20,000/-(Rupees ten thousand) each with Delhi Police Welfare Fund, Police Headquarters, ITO, Delhi within a period of two weeks from today. The receipt of the said deposit shall be furnished to the concerned IOs in the cross FIRs.

9. The writ petitions are disposed of accordingly.

SIDDHARTH MRIDUL, J

SEPTEMBER 29, 2015

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