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

Judgment delivered on: 16th October, 2015

+ **CRL.M.C. No.4301/2015**

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..... Petitioner

Represented by: Ms.Meenu Sharma, Adv
with petitioner in person.

versus

STATE & ANR.

..... Respondents

Represented by: Mr.Kamal Kumar Ghei, APP
for the State with SI Dinesh
Kumar, PS Jamia Nagar for
R1.
Mr.S.Qamar, Adv for R2
with R2/complainant 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, petitioner seeks quashing of FIR No.1026/2012 registered at Police Station Jamia Nagar, New Delhi for the offences punishable under Sections 323/341 of the IPC and the consequential proceedings emanating therefrom against him.

2. Learned counsel appearing on behalf of the petitioner submits that the aforesaid case was registered on the complaint of respondent No.2, Abdul Gaffer on a scuffle took place due to misunderstanding, wherein

he received injuries. The wife of petitioner also received injuries regarding which cross FIR bearing No.1025/2012 was also registered, the quashing whereof has been allowed today itself vide CrI.M.C.No.4330/2015. The police charge sheeted the petitioner, and after framing of charges matter is pending trial before learned Trial Court. The petitioner has settled his disputes with the respondent No.2 with the intervention of common friends and respectable members of society as both parties are living in vicinity. Pursuant to such settlement, respondent No.2 does not wish to pursue his case against petitioner and has no objection, if the present petition is allowed.

3. Respondent No.2 is personally present in the Court through his learned counsel above named and has also been identified by the Investigating Officer of the case. For his identification, original EPIC No.NWD 0606145 has been produced. Original seen and returned to respondent No.2. Learned counsel for respondent No.2 under instructions does not dispute the submission made by learned counsel for petitioner. He submits that on the date of the incident due to some misunderstanding a scuffle took place in which he was injured. Further submit that the matter has been settled with the petitioner, thus, he does not wish to pursue this case further and has no objection if the present petition is allowed.

4. Learned Additional Public Prosecutor appearing on behalf of the State submits that matter is pending trial against petitioner after framing of charge before learned Trial Court. Since the parties have amicably settled the matter and the respondent No.2/complainant does not wish to pursue the case against the petitioner, 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.

5. Undisputedly, offence punishable under Section 323/341 of the IPC are compoundable and both the parties should have approached learned Trial Court for compounding of the offence rather to approach this Court. However, the cross-case FIR involving non-compoundable offence vide CrI.M C No.4330/2015 is also filed in this Court.

6. In view of above, considering the settlement arrived at between the parties and the statements of respondent No.2 and the learned counsel 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.

7. Consequently, FIR No.1026/2012 registered at Police Station Jamia Nagar, New Delhi for the offences punishable under Sections 323/341 of the IPC and all proceedings emanating therefrom, are hereby quashed.

8. In view of the above, the present petition is allowed.

CrI. M.A. No.15222/2015 (for Stay)

Dismissed as infructuous.

**SURESH KAIT
(JUDGE)**

OCTOBER 16, 2015

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