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

Judgment delivered on: 16th October, 2015

+ **CRL.M.C. No.4317/2015**

MOHD. SHAHDAT & ORS.

..... Petitioners

Represented by: Ms.Meenu Sharma, Adv
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, petitioners seek quashing of FIR No.317/2013 registered at Police Station Jamia Nagar, New Delhi for the offences punishable under Sections 323/341/427/506/34 of the IPC and the consequential proceedings emanating therefrom against them.

2. Learned counsel appearing on behalf of the petitioners submits that the aforesaid case was registered on the complaint of respondent No.2, Mohammad Yaqoob on a scuffle took place due to misunderstanding, wherein he received injuries. The police charge sheeted the petitioners

and after framing of charges matter is pending for trial. In the said incident respondent No.2 with other persons also received injuries and cross-case vide FIR No.318/2013 was got registered – which is also sought to be quashed in Crl.M.C.No.4319/2015. The petitioners have settled their disputes with the respondent No.2 due to intervention of common friends and respectable members of the society as both sides are living in same vicinity. After such settlement, respondent No.2 does not wish to pursue his case against petitioners and has no objection, if the present petition is allowed.

3. Respondent No.2 is personally present in the Court. For his identification, original driving licence bearing No.P037200210441 having validity till July, 2016 has been produced. Original seen and returned to respondent No.2. 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 petitioners, thus, he does not wish to pursue this case further and have no objection if the present petition is allowed.

4. Learned Additional Public Prosecutor appearing on behalf of the State submits that petitioners have been chargesheeted and after framing of charges matter is pending trial 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 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.

5. Undisputedly, offence punishable under Sections 323/341/ 427/ 506/34 of the IPC are compoundable and both the parties should have approached learned Trial Court for compounding of the matter rather to approach this Court. However, the cross-case FIR involving non-compoundable offence vide Crl M C No.4319/2015 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.317/2013 registered at Police Station Jamia Nagar, New Delhi for the offences punishable under Sections 323/341/427/506/34 of the IPC and all proceedings emanating therefrom, are hereby quashed.

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

Crl. M.A. No.15266/2015 (for Stay)

Dismissed as infructuous.

**SURESH KAIT
(JUDGE)**

OCTOBER 16, 2015

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