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

Judgment delivered on: 20th November, 2015

+ **CRL.M.C. No.4679/2015**

AVINASH KUMAR & ORS

..... Petitioners

Represented by: Ms.Smita Kumari, Adv with
petitioners in person.

versus

STATE OF NCT OF DELHI & ANR

..... Respondents

Represented by: Mr.Hirein Sharma, APP for
the State with SI Mukesh, PS
Sagarpur, Delhi in person.
Mr.Pramod Kumar, Adv for
R2 with R2 in person.

**CORAM:
HON'BLE MR. JUSTICE SURESH KAIT**

SURESH KAIT, J. (Oral)

Crl. M.A. No.16819/2015 (Exemption)

Exemption allowed, subject to all just exceptions.

Accordingly, the application is allowed.

CRL.M.C. 4679/2015

1. Vide the present petition filed under Section 482 of the Code of Criminal Procedure, 1973, petitioners seek quashing of FIR No.280/2012 registered at Police Station Sagarpur for the offences punishable under Sections 3/4 of the DMSP & MSI Act and the consequential proceedings emanating therefrom against them.

2. Learned counsel appearing on behalf of the petitioners submit that

the aforesaid case was registered on the complaint of respondent No.2, Janak Raj Dhami and police after investigation filed the charge sheet. Meanwhile, the respondent No.2 has amicably settled his disputes with the petitioners vide memorandum of understanding dated 15.10.2015. On reaching the settlement, respondent No.2 is no more interested to pursue his case anymore against petitioners and has no objection, if the present petition is allowed.

3. It is also submitted that out of the incident dated 27.10.2012, cross case vide FIR No.279/2012 was registered against respondent No.2 and other persons, which has since been settled. Accordingly, the parties have sought quashing of above FIR vide CrI.M.C.No.4680/2015.

4. Respondent No.2 is personally present in the Court through learned counsel, above named and has been duly identified by the Investigating Officer of the case. Learned counsel for respondent No.2 under instructions does not dispute as stated by learned counsel for petitioners and consequent to settlement respondent No.2 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 matter is at the initial stage of trial as only charge-sheet has been filed. 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 3/4 of the DMSP

& MSI Act is compoundable and matter is at initial stage of trial as only charge sheet has been filed. 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 MOU dated 15.10.2015 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 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.280/2012 registered at Police Station Sagarpur for the offences punishable under Sections 3 & 4 of DMSP and MSI Act and all proceedings emanating therefrom, are hereby quashed.

10. Accordingly, the present petition is allowed.

**SURESH KAIT
(JUDGE)**

NOVEMBER 20, 2015

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