

IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of decision: 15th December, 2015

W.P.(CRL) 2950/2015 & CRL.M.A. 18289/2015

GULLU & ANR

..... Petitioners

Through: Mr Dilip Singh, Ms Neha Tandon
Mr Sandeep Kumar and Ms Suman,
Advocates.

versus

STATE (GOVT OF NCT OF DELHI) & ORS

..... Respondents

Through: Ms Kamna Vohra, Addl. Standing
Counsel (Crl.) with SI Babu Lal, PS-
R.K.Puram.

Mr R.K.Upadhyay, Advocate for R-2
to R-5.

CORAM:

HON'BLE MR JUSTICE SIDDHARTH MRIDUL

SIDDHARTH MRIDUL, J (ORAL)

1. The present is a petition under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973 seeking

quashing of FIR No.103/2015 under Sections 308/34 IPC registered at Police Station- R.K.Puram South District and the proceedings arising therefrom.

2. The present FIR is the consequence of an altercation between Mohd. Mubarak, the complainant, on the one hand and Gullu and Rehana, the petitioners herein, on the other. The parties are stated to be members of the same extended family and live in close proximity to each other. The altercation between the parties is stated to be on the spur of the moment and without any pre-meditation.

3. The parties who are present in person, state that with the aid and advice of elders in the family and neighbours they have arrived at an amicable resolution of the misunderstanding that led to the altercation and the registration of the subject FIR. The terms and conditions of the said settlement are encapsulated in a Compromise/Settlement Deed dated 21.11.2015 a copy of which is annexed to the present petition at pages 44 to 47. The salient terms of the said Compromise/Settlement Deed dated 21.11.2015 are as follows:-

“1. That the FIR No.103/2015 dated 07.02.2015 was registered against the First party at the instance of the Second Party at police station R.K.Puram, New Delhi u/s 308/34 IPC. However, the cross FIR

bearing No.104/2015 u/s 308/34 dated 07.02.2015 was registered at the instance of the first party against the second party. In view of removal of differences as arose due to the FIRs between both the parties arrived at this settlement and finally got decision to cooperate to each other if the proceeding of quashing of both the FIR before the concerned Ld. Court therefore, this compromise deed dated 31.10.2015.

2. That the both parties have amicably settled their grievance with each other while executing this settlement deed without any fear, force, pressure or undue influence whatsoever thereby both the parties to this compromise deed voluntarily states that they have no objection if the criminal proceeding initiated against to each other against the aforesaid FIRs and consequent proceedings emanating there upon are quashed by the Hon'ble High Court of Delhi. Both the parties to the aforesaid FIRs/this compromise deed shall be readily available to make appropriate affirmative statement in their respective part before the Hon'ble High Court of Delhi as and when required both the parties to this compromised were also executed their respective affidavits I their support of the petition for quashing the FIR bearing No.103/2015 dated 07.02.2015 and the cross FIR No. 104/2015 dated 07.02.2015 to each other, which will be annexed with the quashing petition to be filed by the petitioners at the earliest. Both the parties to this settlement have also agreed amicably

for not creating any kinds of the nuisance in future and they have maintained peace and abide with law.

This settlement deed has been executed between the parties without any fear, undue, pressure, coercion and influences with their free will, wishes and consent.”

4. The injuries suffered on behalf of the complainant were diagnosed by the doctor concerned as being simple injuries.
5. In view of the foregoing, the complainant, who is present in person and has been identified by SI Babu Lal, PS- R.K.Puram, Delhi, states that in view of the amicable resolution arrived at between the parties he is no longer keen to proceed with the subject FIR and the proceedings arising therefrom.
6. Since the dispute that arose out of the altercation between members of the same extended family and the same has been settled without any undue influence, pressure or coercion by and between them amicably, no useful purpose will be served by proceeding with the subject FIR.
7. Resultantly, FIR No.103/2015 under Sections 308/34 IPC registered at Police Station- R.K.Puram South District and the proceedings arising

therefrom. are hereby set aside and quashed *qua* the petitioners subject to the condition that the petitioners shall maintain a good behaviour for one year.

8. With the above directions the writ petition is allowed and disposed of accordingly.

SIDDHARTH MRIDUL, J

DECEMBER 15, 2015
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