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

Judgment delivered on: 15th December, 2015

+ **CRL.M.C. No.5086/2015**

DINESH SHARMA & ORS

..... Petitioners

Represented by: Mr.A.N.Aggarwal, Adv with
petitioners in person.

versus

THE STATE (NCT OF DELHI) & ANR

..... Respondents

Represented by: Mr.Kamal Kumar Ghei, APP
for the State with ASI
Davendra, PS Dabri, Delhi.
Mr.Prashant Tanwar, Adv
for R2 with R2 in person.

CORAM:

HON'BLE MR. JUSTICE SURESH KAIT

SURESH KAIT, J. (Oral)

Crl.M.A.18324/2015 (for exemption)

Exemptions allowed, subject to all just exceptions.

Accordingly, the application is allowed.

CRL.M.C. No.5086/2015

1. Vide the present petition filed under Section 482 of the Code of Criminal Procedure, 1973, petitioners seek quashing of FIR No.227/2006 registered at Police Station Dabri for the offences punishable under Sections 325/341/506/34 of the IPC 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, Smt.Satya Bala and police charge sheeted the petitioners and after framing of charges matter is pending trial before learned Trial Court. Meanwhile, the respondent No.2 has amicably settled her disputes with the petitioners vide Compromise Deed dated 26.09.2014 before Mediation Centre, Dwarka Courts, New Delhi. On arriving such settlement, respondent No.2 is no more interested to pursue her case anymore against them and has no objection, if the present petition is allowed.

3. 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 to what is 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.

4. Learned Additional Public Prosecutor appearing on behalf of the State submits that matter is at the stage of trial. 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 Section 325/341/506/34 of the IPC are compoundable and matter is pending trial before learned Trial

Court. The parties invoked the jurisdiction of this Court under Section 482 Cr P C, instead of moving before learned Trial Court for compounding the matter only for the reason that cross case vide FIR No.224/2006 vide CrI.M.C.No.5085/2015 involving non-compoundable offence is preferred by them.

6. Both the parties who are present in the Court today, approbate the aforesaid settlement dated 26.09.2014 and undertake to remain bound by the same.

7. In view of the above discussion, considering the settlement arrived at between the parties and the statement 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.

8. Consequently, FIR No.227/2006 registered at Police Station Dabri for the offences punishable under Sections 325/341/506/34 of the IPC and all proceedings emanating therefrom, are hereby quashed.

9. Accordingly, the present petition is allowed.

**SURESH KAIT
(JUDGE)**

DECEMBER 15, 2015

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