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

Judgment delivered on: 18th December, 2015

+ **CRL.M.C. No.5153/2015**

FAIZANUDDIN Petitioner

Represented by: Mr. M.S. Hussain, Advocate
with Petitioner in person.

Versus

THE STATE (GOVT OF NCT OF DELHI) Respondents

Represented by: Mr. Ravi Nayak,
Additional Public Prosecutor for
the State. with SI Gurjeet Singh,
Police Station Okhla Industrial
Area.
Respondent No.2 in person.

CORAM:
HON'BLE MR. JUSTICE SURESH KAIT

SURESH KAIT, J. (Oral)

1. By way of this petition filed under Section 482 of the Code of Criminal Procedure, 1973, petitioner seeks quashing of FIR No.865/2015 registered at Police Station Okhla Industrial Area, New Delhi, for the offence punishable under Section 325 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, namely, Mr. Dharmraj Kumar Singh, as a scuffle took place due to some misunderstanding, wherein respondent No. 2, received minor injuries. The matter is pending investigation. Meanwhile, with the intervention of

the respectable members of the society, the petitioner and the respondent No. 2 have amicably settled their disputes vide Memorandum of Understanding (MoU) dated 11.12.2015 for a total sum of Rs.3,50,000/- (Three Lacs Fifty Thousand), which has been paid to the respondent No.2 in Court by way of Demand Draft No.376369 dated 15.12.2015 drawn on Canara Bank, Bhogal, New Delhi. Therefore, the respondent No.2 does not want to pursue this case further against the petitioners.

3. Respondent No.2 is personally present in the Court and has been duly identified by the Investigating Officer of the case. She submits that on the date of the incident due to some misunderstanding a scuffle took place in which he received injuries. Further submits that the matter has been settled with the petitioner, thus, to maintain peace and harmony in the family, he does not wish to pursue this case further against the petitioners and has no objection if the present petition is allowed.

4. Learned Additional Public Prosecutor appearing on behalf of the State submits that the case is at the initial stage of investigation as chargesheet is not yet filed. He submits that since the parties have amicably settled the matter and the respondents 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 325 IPC is compoundable and matter is pending investigation with the police. As such, parties invoked the jurisdiction of this Court under Section 482 Cr. P.C., instead of moving before learned Trial Court for compounding the matter.

6. Both the parties who are present in the Court today, approbate the aforesaid settlement dated 11.12.2015 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 Additional Public 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.

8. Consequently, FIR No.865/2015 registered at Police Station Okhla Industrial Area, New Delhi, for the offence punishable under Section 325 IPC and all proceedings emanating therefrom are hereby quashed qua the petitioner.

9. In view of the above, the present petition is allowed with no order as to costs.

**SURESH KAIT
(JUDGE)**

DECEMBER 18, 2015

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