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IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of decision: 23.12.2015

W.P.(CRL) 2999/2015

GIRDHARI & ANR

..... Petitioners

Through: Mr. Anuj Kumar Ranjan, Advocate

versus

STATE & ANR

..... Respondents

Through: Mr. Rajesh Mahajan, ASC (Criminal)
with SI Prem Pal, Police Station-
Khajuri Khas for R-1
Amit Kumar, Respondent No.2 in
person

CORAM:

HON'BLE MR JUSTICE SIDDHARTH MRIDUL

SIDDHARTH MRIDUL, J (ORAL)

CRL.M.A.18473/2015 (Exemption)

Exemption granted subject to all just exceptions.

The application is disposed of accordingly.

W.P.(CRL) 2999/2015

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 (Cr.P.C.) seeking quashing of FIR No.1143/2014, under Sections 323/341/452/34 IPC,

registered at Police Station- Khajuri Khas and the proceedings arising therefrom.

2. The facts in brief are that the subject FIR came to be registered on an allegation of Amit Kumar, the complainant (respondent No.2), that the petitioner had entered into his house without permission and roughed him up. It is an admitted position that the complainant suffered only simple injuries.

3. Amit Kumar, who is present in person and has been identified by the IO in the subject FIR namely, SI Prem Pal, Police Station- Khajuri Khas states that with the aid and assistance of elders in the family and neighbours, they have arrived at an amicable out of court resolution of the misunderstanding that led to the registration of the subject FIR. The settlement dated 18.11.2015 is annexed to this petition as Annexure – B. The salient terms of the aforesaid settlement are as follows:-

“Compromise Deed

This deed of compromise is executed on this 18th November, 2015 between Amit Kumar S/o Late Sh. Ashok Kumar R/o E-195, Gali No.10, Khajuri Khas, Near Jain Dharamshala, Delhi (hereinafter called the first party).

AND

- (1) Sh. Girdhari S/o Late Sh. Madan Lal
- (2) Sh. Harish S/o Late Sh. Madan Lal

Both R/o E-202, Gali No.10, Khajuri Khas,
Delhi (hereinafter called the second party)

Whereas the first party got registered a case FIR No.1143/2014, U/s 323/341/452/34 IPC dated 25.10.2014 with P.S. Khajuri Khas, Delhi against the second party.

AND WHEREAS due to the intervention of respectable persons, mutual friends and well wishers, both the parties have amicably settled/compromised their all disputes related to the above said FIR as per the settlement, both the parties shall not claim anything from each other with regard to the above said FIR.

AND WHEREAS, the first party undertake to cooperate the second party in getting quashed the above said FIR before the Hon'ble High Court of Delhi, New Delhi.

That now both the parties with the intervention of some common friends resolved all the disputes between each other amicably with mutual consent without any pressure, undue influence from any side upon the parties.

That now nothing is remaining left upon each other, the parties and all the enmities differences between the parties regarding all the points discusses in the FIR registered by the first party on 25.10.2014 against the second party at P.S. Khajuri Khas, Delhi.

Whereas both the parties are bound by the terms and conditions of this compromise deed.

And whereas the above compromise between the parties has been made out of their independent free will and without any pressure, force, fraud, coercion or undue influence from either side or by any third person.

And whereas the first party and the second party have put their respective hands into this deed after having fully understood the contents herein which have fully been read over and explained to them in vernacular in the

presence of the family members and witnesses and the same shall be binding upon both the parties.”

4. Amit Kumar, states that in view of the foregoing, he is no longer keen to prosecute the subject FIR and the proceedings arising therefrom.

5. The present case does not fall within the category exempted from quashing in terms of the decision of the Supreme Court in Gian Singh vs. State of Punjab and Anr. reported as (2012) 10 SCC 303, since it does not affect the general public at large and it is a private affair.

6. Resultantly, FIR No.1143/2014, under Sections 323/341/452/34 IPC, registered at Police Station- Khajuri Khas and the proceedings arising therefrom are hereby set aside and quashed qua the petitioners subject to their depositing a sum of Rs.5,000/- each with the PMO National Defence Fund within a period of two weeks from today. A copy of the receipt thereof shall be furnished to the Investigating Officer in the subject FIR namely SI Prem Pal, Police Station- Khajuri Khas, Delhi.

7. The writ petition is disposed of accordingly.

SIDDHARTH MRIDUL, J

DECEMBER 23, 2015

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