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

Judgment delivered on: 6th January, 2016

+ **CRL.M.C. No.26/2016**

SURENDER SINGH SURI

..... Petitioner

Represented by: Mr.Bhupesh Narula, Advocate with
Petitioner in person.

Versus

STATE (NCT OF DELHI) AND ANR

.... Respondents

Represented by: Mr.Hirein Sharma, Additional
Public Prosecutor for the State.
Mr. Sunny Arora, Advocate for
Respondent No. 2 with Respondent
No.2 in person.

CORAM:

HON'BLE MR. JUSTICE SURESH KAIT

SURESH KAIT, J. (Oral)

Crl. M.A. No.122/2016 (for exemption)

Exemptions allowed, subject to all just exceptions.

Accordingly, the application is allowed.

CRL.M.C. No.26/2016

1. Vide the present petition filed under Section 482 of the Code of Criminal Procedure, 1973, petitioner seeks quashing of FIR No.266/2013 registered at Police Station Lahori Gate, Delhi, for the offences punishable under Sections 448/34 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, Kishan Lal Chhabra. The police has filed the chargesheets, however, matter is at the initial stage of trial as cognizance has not yet been taken. Meanwhile, the respondent No.2 has amicably settled his disputes with the petitioner vide Settlement Agreement dated 30.12.2015 for a total sum of Rs.1,25,000/- (One Lac Twenty Five Thousand). Out of which, a sum of Rs.80,000/- (Eighty Thousand) has already been paid to the respondent No.2 and the balance amount of Rs.45,000/- (Forty Five Thousand) is paid today in cash to the respondent No.2 in Court, which facts have not been disputed by the respondent No.2.

3. Learned counsel for the petitioner further submits that consequent to the aforesaid settlement the respondent No.2 has received the agreed amount, therefore, he does not want to pursue this case further against the petitioner and has no objection if the present petition is allowed.

4. Respondent No.2 is personally present in the Court alongwith his counsel. For his identification, he has produced on record the original Aadhar Card bearing No.5662 8522 3731 issued by the Government of India and the Identity Card bearing No. NEJ2732047 issued by the Election Commission of India (originals seen and returned). Photocopies of the same are placed on record. The learned counsel for respondent No.2 under instructions does not dispute the submissions made by the learned counsel for the petitioner. The respondent No. 2 affirms the contents of the aforesaid settlement and of his affidavit dated 02.01.2016 filed in support of the present petition and submits that now no dispute survives with the petitioner, therefore, he does not wish to pursue this case

further against the petitioner.

5. Learned Additional Public Prosecutor appearing on behalf of the State submits that the police has filed the chargesheets, however, matter is at the initial stage of trial as cognizance has not yet been taken. Since the parties have amicably settled the matter and the respondent 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.

6. Undisputedly, offence punishable under Section 448 IPC is compoundable, however, parties invoked the inherent jurisdiction of this Court under Section 482 Cr.P.C., instead of approaching the learned Trial Court for compounding the matter.

7. Both the parties who are present in the Court today, approbate the aforesaid settlement dated 30.12.2015 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 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.

9. Consequently, FIR No.266/2013 registered at Police Station Lahori Gate, Delhi, for the offences punishable under Sections 448/34 IPC and

all proceedings emanating therefrom are hereby quashed against the petitioner.

10. Accordingly, the present petition is allowed with no order as to costs.

**SURESH KAIT
(JUDGE)**

JANUARY 06, 2016
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