

\$~25 & 36

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

+ W.P.(CRL) 58/2016 & CRL.M.A. 366-367/2016

GAURAV SETH

..... Petitioner

Through: Mr M.L.Bajaj, Advocate.

versus

THE STATE & ANR

..... Respondents

Through: Mr R.S.Kundu, Addl. Standing Counsel
(Crl.) with Mr Ankit Kr. Gulia and
Mr Vishesh Wadhwa, Advocate.
SI Raj Pal, PS- Tilak Nagar.
Mr Mankan Deep Singh, complainant in
person.

+ W.P.(CRL) 59/2016 & CRL.M.A. 368-369/2016

MANKAN DEEP SINGH & ANR

..... Petitioner

Through: Petitioner Mankan Deep Singh in person
with Mr Manish Gupta, Advocate.

versus

THE STATE & ANR

..... Respondents

Through: Mr Avi Singh, Addl. Standing Counsel
(Crl.) with Ms Mgha Bahl, Advocate for
R-1.
SI Raj Pal, PS- Tilak Nagar.
Mr M.L.Bajaj, Advocate for R-2 with
Ms Shama Seth in person.

CORAM:

HON'BLE MR. JUSTICE SIDDHARTH MRIDUL

ORDER

%

11.01.2016

The present petitions under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973 seek quashing of FIR No.1479/2014 under Sections 323/341/295A/392/34 and FIR No.1480/2014 under Sections 323/341/354/392/34 IPC both registered at Police Station- Tilak

Nagar, Delhi, and are being disposed of by this common order.

The genesis of the subject FIRs is an article authored by Mr Mankan Deep Singh, an advocate by profession, wherein he made certain allegations against police officials posted at the Police Station- Tilak Nagar. According to Mr Mankan Deep Singh the second FIR being FIR No.1480/2014 was instituted at the behest of the police officials against whom he had levelled allegations in the subject article.

When the first petition being WP(Crl.) 223/2015 came up for hearing, the parties expressed a desire to explore the possibility of an amicable out-of-court settlement.

The complainant in WP(Crl.) 58/2016, Mr Mankan Deep Singh and the complainant in WP(Crl.) 59/2016, Ms Shama Seth, who are present in court and have been identified by the IO in the subject FIRs SI Raj Pal, PS- Tilak Nagar, state that better sense has prevailed and the parties who are the complainants in the subject two FIRs have decided to bury the hatchet keeping in view the order dated 08.09.2015 in WP(Crl.) 223/2015, which reads as follows:-

“The petitioner who appears in person and the respondent No.7 (private respondent) have settled all their disputes qua the cross FIRs, registered by them against each other, amicably. They pray for time to formalize the terms of the settlement and file petitions for quashing of the subject cross FIRs.

Ordered accordingly. Let the same be done within a period of one month from today.

In view of the above, Mr. Mankan Deep Singh, the petitioner who appears in person, seeks leave to withdraw this petition at this stage.

The petition is dismissed as withdrawn and disposed of accordingly.”

A perusal of the foregoing reveals that the present case does not fall within the categories exempted by the Supreme Court in *Gian Singh v. State of Punjab*, (2012) 10 SCC 303, as offences which cannot be settled or quashed. In my opinion, in the subject FIRs the allegations levelled against each other by

the complainants in question are private in nature and do not affect the general public.

In view of the foregoing, since the disputes that resulted in the registration of the two FIRs have been settled amicably by and between the parties without any undue influence, pressure or coercion, no useful purpose shall be served by proceeding with the subject FIRs.

Resultantly, FIR No.1479/2014 under Sections 323/341/295A/392/34 and FIR No.1480/2014 under Sections 323/341/354/392/4 IPC both registered at Police Station- Tilak Nagar, Delhi, are hereby set aside and quashed.

With the above directions the writ petitions are allowed and disposed of accordingly.

SIDDHARTH MRIDUL, J

JANUARY 11, 2016

mk