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

Judgment delivered on: 8th January, 2016

+ **CRL.M.C. No.57/2016**

POONAM SONI & ORS.

..... Petitioners

Represented by: Mr.Pratap Singh and Ms.Sukanya
Sharma, Advocates with Petitioners
in person.

Versus

THE STATE GOVT OF NCT OF DELHI & ANR

..... Respondents

Represented by: Ms.Meenakshi Chauhan, Addl.
Public Prosecutor for the State with
SI Ratan Singh, P.S. Dwarka
North.
Mr. H.S. Yadav, Advocate for
Respondent No. 2 with Respondent
No. 2 in person with her mother.

CORAM:

HON'BLE MR. JUSTICE SURESH KAIT

SURESH KAIT, J. (Oral)

Crl. M.A.No.250/2016 (for exemption)

Exemptions allowed, subject to all just exceptions.

Accordingly, the application is allowed.

CRL.M.C. No.57/2016

1. By way of this petition filed under Section 482 of the Code of Criminal Procedure, 1973, petitioners seek quashing of FIR No.236/2013 registered at Police Station Dwarka North, New Delhi, for the offences punishable under Sections 344/323/34 IPC and the consequential proceedings emanating therefrom against them.

2. Learned counsel appearing on behalf of the petitioners submits that

the aforesaid case was registered on the complaint of respondent No.2. The case is pending investigation. Meanwhile, with the intervention of the elder members of both the families, the petitioners and the respondent No.2 have settled their disputes amicably vide settlement deed dated 30.09.2015, which was witnessed by Smt.Manju, mother of the respondent No.2. Therefore, the respondent No.2 does not want to pursue this case further against the petitioners.

3. Respondents No.2 is personally present in the Court with her mother. They have been duly identified by the Investigating Officer of the case. They do not dispute the submissions made by learned counsel for the petitioners and have no objection if the present petition is allowed.

4. Learned Additional Public Prosecutor appearing on behalf of the State submits that matter is still under investigation. She submits that 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, if this Court is inclined to allow the present petition, the State has no objection provided cost be imposed upon the petitioners.

5. Undisputedly, offences punishable under Sections 323/344 of the 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 30.09.2015 and undertake to remain bound by

the same.

7. Considering the settlement arrived at between the parties and the statements of respondent Nos. 2 and 3 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.236/2013 registered at Police Station Dwarka North, New Delhi, for the offences punishable under Sections 344/323/34 IPC and all proceedings emanating therefrom, are hereby quashed qua the petitioners.

9. Before parting with the order, so far as the issue of imposing cost upon the petitioners is concerned, I find force in the submission of the learned Additional Public Prosecutor for the State as the present FIR was registered on 25.07.2013 on the complaint of respondent No.2. Thus, the Government machinery came into force and the public time and money has been consumed in this process.

10. At this stage, the petitioners have come forward to pay a sum of Rs.10,000/- each in favour of the respondent No.2. Accordingly, a sum of Rs.30,000/- in cash is handed over to the respondent No.2 in Court.

11. In view of the above, the present petition is allowed.

**SURESH KAIT
(JUDGE)**

JANUARY 08, 2016/Sb/jg