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

+ **W.P.(CRL) 48/2016 & CRL.M.A. 275/2016**

SURESH MALIK

..... Petitioner

Through: Mr Ramesh Gupta, Sr. Advocate with
Mr Bharat Sharma, Advocate.

versus

THE STATE & ANR

..... Respondents

Through: Ms Srilina Roy, Advocate for Ms Nandita
Rao, Addl. Standing Counsel (Crl.) with
ASI Jhabar Mal, PS- Tilak Nagar.

CORAM:

HON'BLE MR. JUSTICE SIDDHARTH MRIDUL

ORDER

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08.01.2016

The present is a petition under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973 seeking quashing of FIR No.64/2012 under Sections 342/506 IPC registered at Police Station- Tilak Nagar, New Delhi and the proceedings arising therefrom.

The subject FIR came to be registered as a consequence of a complaint instituted by the complainant Charanjit Gaba against the petitioner herein alleging that the latter had threatened the former owing to certain disagreements occasioned by the elections relating to the temple and fruit market in Tilak Nagar, New Delhi.

This court by way of order dated 25.03.2015 in Crl. M.C. No. 768/2012 had referred the parties to the mediation. Pursuance thereto by way of settlement agreement dated 20.05.2015 arrived at by an between the parties with the aid and assistance of the Delhi High Court Mediation and Conciliation Centre, Delhi High Court, New Delhi, the parties have amicably resolved all their outstanding disputes and differences. The terms of the aforesaid settlement

agreement dated 20.05.2015 are as under:-

- “a) The First Party and the Second Party reside in the same vicinity and with the intervention, assistance and guidance of their neighbours and respective counsels have resolved all their disputes and the Second Party has assured the First Party to not to give any cause of complaint to him in future. The Second Party has assured the First Party of his full co-operation and help whenever required.
- b) That the Second Party is in the management of a temple in the area and the First Party is carrying out his small business outside the temple and First Party has been assured that the First Party could continue with the same and the Second Party would have no objection to it in future.
- c) The First Party has been assured by the Second Party, neighbours and common friends that they would protect the First Party and see to it that nobody threatens the First Party and stops him or causes any hindrance in his business.
- d) That the First Party clarifies to the Second Party that he does not require any monetary help nor he has taken any money for the present settlement. The present settlement has taken place as both the parties have settled all disputes with each other from their heart and want that they and their families who are living in the same vicinity continue to live as friends in a cordial atmosphere in future without bearing any ill-will against each other.
- e) That the First Party shall appear before Hon’ble High Court of Delhi on 31.08.2015 or earlier date as fixed by the Hon’ble High Court of Delhi and shall give his no-objection for quashing of FIR No.64 u/s 342/506 registered at police station Tilak Nagar, New Delhi in terms of the present settlement.
- f) That both the parties have assured each other that there are no other cases pending against them or filed by them against each other and they shall withdraw all cases filed by them against each other.”

Charanjit Gaba, the complainant, who is present in person and has been

identified by the IO in the subject FIR ASI Jhabar Mal, PS- Tilak Nagar, states that in view of the amicable resolution of the dispute as aforestated, he is no longer keen to proceed with the subject FIR and the proceedings arising therefrom.

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 the present offence is private in nature and does not have a serious impact on society at large.

Since the disputes have been settled amicably by way of a settlement agreement dated 20.05.2015 without any undue influence, pressure or coercion, no useful purpose will be served by proceeding with the subject FIR and the proceedings arising therefrom.

Resultantly, the subject FIR No.64/2012 under Sections 342/506 IPC registered at Police Station- Tilak Nagar, New Delhi and the proceedings arising therefrom are set aside and quashed qua the petitioner subject to his depositing a sum of Rs.10,000/- in aggregate with the Delhi High Court Legal Services Committee within a period of two weeks from today. The receipt of the said deposit shall be furnished to the IO in the subject FIR.

With the above directions the writ petition is allowed and disposed of accordingly.

SIDDHARTH MRIDUL, J

JANUARY 08, 2016

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