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IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of decision: 12.01.2016

W.P.(CRL) 93/2016

GORISH MAGGO & ORS

..... Petitioners

Through: Mr. Vineet Mehta, Advocate

versus

THE STATE & ANR

..... Respondents

Through: Ms. Richa Kapoor, ASC (Criminal)
with Mr. Ashish Negi and Mr. Rohit
Kaul, Advocates and Inspector Rishi
Pal and SI Jitender, PS- Rani Bagh,
Delhi for R-1
Mr. Ravi Chawla and Mr. Vivek
Luthra, Advocates for R-2 with R-2 in
person

CORAM:

HON'BLE MR JUSTICE SIDDHARTH MRIDUL

SIDDHARTH MRIDUL, J (ORAL)

CRL.M.A.498/2016 (Exemption)

Exemption granted subject to all just exceptions.

The application is disposed of accordingly.

W.P.(CRL) 93/2016

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.097/2015, under Sections 324/427/34 IPC, registered at Police Station-Rani Bagh, Delhi and the proceedings arising therefrom.

2. The incident that led to the registration of the subject FIR relates to the misunderstanding between the parties that ended badly, inasmuch as, the complainant alleges that he was attacked by the petitioner with a blade. However, it is an admitted position that the injury suffered by the complainant, who is present in person in Court today and has been identified by IO SI Jitender, Police Station- Rani Bagh, Delhi, was simple in nature, as opined by the medical examiner.

3. Counsel appearing on behalf of the parties state that with the aid and intervention of respectable elders in the family, they have amicably resolved their disputes. The settlement agreement dated 21.12.2015 is annexed to this petition as Annexure P-2. The salient terms and conditions of the said settlement agreement dated 21.12.2015 are as follows:-

“1. That the first party and second party with the consent and intervention of common friends of

each other and have settled the dispute which lead to the registration of cases FIR bearing No.0987/2015 under Sections 354(D)/506 IPC, registered in police station Rani Bagh, Delhi, FIR bearing No.0979/2015 under Section 324/427/34 IPC, registered in Police Station Rani Bagh, Delhi and FIR bearing No.0978/2015, under Section 451/354(B)/509/323/34 IPC, registered in police station Rani Bagh, Delhi, amicably out of Court.

2. That on the date of the alleged incidents, the both party had some minor disagreement and as a consequence a scuffle ensued between them.
3. That the said incident was an accident and happened without any pre-mediation or pre-planning on the part of either of the parties.
4. That both party have not committed the alleged offences and the above mentioned FIR's was registered due to sheer misunderstanding and implied imputations. The both party does not want to proceed further above mentioned FIR's as all the disputes, grudges and misunderstanding have already been sorted out amicably out of Court and both the parties want to proceed further with their respective future and want to lead their peaceful lives.
5. That both the parties have agreed to get the FIR bearing No.0987/2015 under section 354(D)/506 IPC, registered in police station Rani Bagh, Delhi. FIR bearing No.0979/2015 under section 324/427/34 IPC, registered in police station Rani Bagh, Delhi and FIR bearing No.0978/2015 under

section 451/354(B)/509/323/34 IPC, registered in police station Rani Bagh, Delhi, compounded/quashed or cancelled from the competent authority/court of law in accordance with law. The both party have also agreed to withdraw their complaint and not to proceed further with respect to the complaints filed by them.

6. The both party have agreed to cooperate for quashing of the aforesaid FIR bearing No.0987/2015 under section 354(D)/506/ IPC, registered in police station Rani Bagh, Delhi, FIR bearing No.0979/2015 under section 324/427/34 IPC, registered in police station Rani Bagh, Delhi and FIR bearing No.0978/2015 under section 451/354(B)/509/323/34 IPC, registered in police station Rani Bagh, Delhi, if so required or to appear in person before the Hon'ble High Court of Delhi/any other competent court to get the above said FIR quashed, filed by the both party and will also sign the affidavit/NOC for the same if required and will give statement before the Hon'ble High Court of Delhi/any other competent court, if required any.
7. That the both the parties further undertakes to withdraw all the complaints filed by them against each other and against each other's family if any in any court of law or before any authority.
8. The both parties to the present compromise deed have signed the compromise deed without any fear, pressure, coercion and hindrance from any

corner and they are entering into the present agreement voluntarily and willingly.

9. The parties to the deed has agreed that after abiding by the terms and condition of the compromise deed, the parties will withdrawn all their claims, and in future will not raise any issue or controversy to this effect as their claims have already been satisfied.
10. The parties to the deed have agreed that they will not file any complaint, case, suit civil, claim petition or criminal case against each other in future and if have filed any then the same will be withdrawn by them.
11. The parties to the deed have agreed that they will not proceed against each other before any court of law with regard to the settled dispute, which has already been resolved by their respective sweet will and consent, without any pressure, threat and coercion from any corner.
12. That the parties have read over the present deed in vernacular language. They have understood the same and admit the contents to be correct and same as per their agreement.
13. That the parties also agreed that the terms of the Compromise Deed are binding upon all the parties to the compromise deed and they further undertake to not to wriggle out of the terms and condition of the present compromise deed.”

4. In view of the foregoing, since the misunderstanding that led to the scuffle between the parties and the registration of the subject FIR has been amicably resolved by and between the parties without any undue influence, pressure or coercion, no useful purpose will be served by proceeding with the subject FIR and the proceedings arising therefrom.

5. Consequently, FIR No.097/2015, under Sections 324/427/34 IPC, registered at Police Station-Rani Bagh, Delhi and the proceedings arising therefrom are hereby set aside and quashed *qua* all the petitioners subject to their depositing a sum of Rs.5,000/- each with the Victims' Compensation Fund, Government of NCT of Delhi within a period of two weeks from today. A copy of the receipt of the said deposit shall be furnished to the concerned IO.

6. The writ petition is disposed of accordingly.

SIDDHARTH MRIDUL, J

JANUARY 12, 2016

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