

\$~26

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

+ W.P.(CRL) 119/2016 & CRL.M.A. 674/2016

AJAY KUMAR @ AJAY PANDEY

..... Petitioner

Through: Mr D.K.Pandey, Advocate.

versus

STATE OF DELHI & ANR

..... Respondents

Through: Mr Ashish Aggarwal, Addl. Standing
Counsel (Crl.).
Mr Sanjeev Kumar, Advocate for R-2.
SI Yogesh Kumar, PS- Bhajanpura,
Delhi.

CORAM:

HON'BLE MR. JUSTICE SIDDHARTH MRIDUL

ORDER

%

15.01.2016

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.784/2014 under Section 380 IPC, registered at Police Station- Bhajanpura, Delhi.

The subject FIR came to be registered on an allegation made by Ajay Koushik, the complainant, against his brother-in-law Ajay Kumar @ Ajay Pandey, the petitioner herein, to the effect that the latter has purloined his mobile telephone. Counsel for the parties state that better sense seems to have prevailed and the matter has now been amicably resolved with the aid, assistance and intervention of the respectable elders in the family. The parties have entered into a Memorandum of Settlement/Agreement dated 06.01.2016. The salient terms and conditions of the aforesaid Settlement/Agreement dated 06.01.2016 are as under:-

“1. That the first party has tendered a social apology to the second party and the second party has tendered a social

apology to the first party consequent upon which the First Party would not pursue his complaint and undertake to co-operate to each other in getting quashed the FIR against Sh. Ajay Kumar @ Ajay Pandey or extend any other co-operation in the proceeding.

2. That both the Parties have settled all dispute amicably. However both parties will co-operate with each other for legal disposal of the matter as referred above.
3. That now there are no grievances of any kind against either of the parties and the first party namely Sh. Ajay Koushik S/o Sh. Brajveer would also move an application for the withdrawal of his complaint vide FIR No. 784/2014 U/s 380 IPC PS Bhajanpura Delhi.
4. That if need arises both the parties would move to Hon'ble High Court of Delhi for getting quashed the above said FIRs and extend due co-operation to each other in this regard.
5. That the Parties admit that they have no grievance against each other whatsoever.
6. That the above compromise has been arrived at out of free will without any force, coercion, undue influence from any side."

Ajay Koushik, the complainant who is present in court and has been identified by the IO in the subject FIR SI Yogesh Kumar, states that in view of the circumstance that they are closely related as well as in view of the settlement arrived at hereinabove, he does not wish to proceed with the subject FIR.

Since the dispute which resulted into the registration of the subject FIR has been amicably resolved between the parties, who are closely related, without any influence, coercion or pressure, no useful purpose will be served by proceeding with the subject FIR.

Resultantly, the subject FIR No.784/2014 under Section 380 IPC, registered at Police Station- Bhajanpura, Delhi, is hereby set aside and quashed.

qua the petitioner.

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

SIDDHARTH MRIDUL, J

JANUARY 15, 2016

mk