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

Date of decision: 2nd February, 2016

+ W.P.(CRL) 328/2016 and Crl. MA No. 1800/2016 (Exemption)

DAMODAR SINGH & ORS Petitioners
Through Mr. Parvez Ahmed, Advocate along
with petitioners
versus

THE STATE (GOVT OF NCT OF DELHI) & ORS Respondents
Through Mr. Rahul Mehra, Standing Counsel
(Crl.) with Mr. Aditya Swarup, Adv.
ASI Davender Singh, P.S. Hauz Qazi
Complainant- Tarun Dua in-person

**CORAM:
HON'BLE MR JUSTICE SIDDHARTH MRIDUL**

SIDDHARTH MRIDUL, J (ORAL)

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 seeking quashing of FIR No. 264/2015, under Sections 308/34 IPC registered at Police Station- Hauz Qazi, Delhi and the proceedings arising therefrom.

2. The subject FIR came to be registered as a consequence of an altercation over a property of which the complainant herein claims to be the landlord. It has been alleged by the complainant that the petitioners had

assaulted him when he protested their unauthorized occupation of the subject property.

3. Counsel for the parties state that the outstanding dispute between the parties has been settled amicably before the Delhi Mediation Centre, Tis Hazari Courts, Delhi by way of a Settlement Agreement dated 2nd December, 2015. The salient terms and conditions of the afore-stated settlement are as follows:-

“1. It is agreed between the parties that the plaintiff will pay a total sum of Rs. 2,25,000/- (Rupees Two Lakh Twenty Five Thousand only) to the defendant no. 1 towards full and final settlement in respect of property shop bearing no. 2657, Mezzanine Floor, Chhoti Baradari, Ballimaran, Delhi-110006 by way of demand draft/cash within 15 days from today.

2. The defendant will handover the peaceful vacant possession of the aforesaid property to the plaintiff on receipt of settlement amount.

3. It is agreed that the plaintiff shall not object in the removal of the goods lying in aforesaid property and shall hand over the keys to the plaintiff before the Ld. Referral Court.

4. It is also agreed between the parties that the plaintiff shall co-operate in quashing and bail in the FIR bearing no. 264/15, PS Hauz Quazi, u/s 308/34 IPC against the defendants and one Sh. Maharaj Singh before handing over the possession of the aforesaid property.

5. The plaintiff will withdraw the present suit and the parties will be left with no claim against each other in respect of present matter in dispute.

6. The parties will withdraw any suit/complaint filed against each other regarding property in question.”

4. Respondent No.2/complainant- Tarun Dua, who is present in Court and has been identified by the Investigating Officer in the subject FIR namely ASI Davinder Singh, Police Station- Hauz Qazi, Delhi, states that in view of the amicable resolution of the dispute as afore-stated and the circumstance that the possession of the subject property has already been restituted to him, he is no longer keen to proceed with the subject FIR and the proceedings emanating therefrom.

5. Mr. Rahul Mehra, learned Standing Counsel (Criminal) appearing on behalf of the official respondent states that a charge-sheet in the subject FIR has already been filed.

6. However, it is observed that subsequent to the filing of the charge-sheet, the matter has been amicably resolved between the parties to the *lis*.

7. In the present case, it is observed that the offences in the subject FIR do not fall within the exempted categories of serious/heinous offences which ought not to be quashed on the ground of an amicable resolution of the

disputes. [Ref. *Gian Singh vs. State of Punjab and Anr.* reported as (2012) 10 SCC 303]. The offences alleged to have been committed in the subject FIR are private in nature and do not have a serious impact on society.

8. In view of the foregoing, since the dispute that led to the registration of the subject FIR has been settled between the parties amicably before the Delhi Mediation Centre, Tis Hazari Courts, Delhi by way of a Settlement Agreement dated 2nd December, 2015 without any undue influence, pressure or coercion; and the settlement between the parties is lawful, no useful purpose will be served by proceeding with the subject FIR and the proceedings arising therefrom.

9. Resultantly, the FIR No. 264/2015 under Sections 308/34 IPC registered at Police Station- Hauz Qazi, Delhi and the proceedings arising therefrom are hereby set aside and quashed *qua* the petitioners.

10. The writ petition is allowed and disposed of accordingly.

SIDDHARTH MRIDUL, J

FEBRUARY 02, 2016/sd