

7 & 8

IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of Decision: 05.04.2016

W.P.(CRL) 536/2016

SUBHASH CHAUDHARY & ORS

..... Petitioners

Through: Mr. Rajesh Pandey, Advocate

versus

STATE OF NCT OF DELHI & ORS

..... Respondents

Through: Ms. Richa Kapoor, ASC (Criminal)
with SI Manjeet, PS- Govindpuri for
R-1

W.P.(CRL) 552/2016

NAVEEN KUMAR & ORS

..... Petitioners

Through: Mr. Rajesh Pandey, Advocate

versus

STATE OF NCT OF DELHI & ORS

..... Respondents

Through: Ms. Richa Kapoor, ASC (Criminal)
with SI Manjeet, PS- Govindpuri for
R-1

CORAM:

HON'BLE MR JUSTICE SIDDHARTH MRIDUL

SIDDHARTH MRIDUL, J (ORAL)

1. The present petitions under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973 (Cr.P.C.) seek quashing of cross FIRs registered by the parties against each other.

2. In Writ Petition (Criminal) No.536/2016 quashing is sought of FIR bearing No.616/2015, under sections 323/341/34 IPC, registered at Police Station- Govind Puri, Delhi and the proceedings arising therefrom.

3. In Writ Petition (Criminal) No.552/2016 quashing is sought of FIR bearing No.617/2015, under sections 323/341/34 IPC, registered at Police Station- Govind Puri, Delhi and the proceedings arising therefrom.

4. The parties are present in person and state in unison that the subject cross-FIRs were registered as a consequence of an altercation between two groups of individuals who are stated to owe political allegiance to one political outfit and a dispute occurred between two factions of the same political party as a manifestation of intra-party rivalry in relation to an already concluded assembly election. The allegations are that the dispute led to an altercation between both factions of political parties and resulted in physical assault of individuals belonging to the other group with *lathis*, *dandas* and iron rods. It is an admitted position that neither group of individuals suffered any serious injury as a consequence of the said altercation.

5. The complainants in the subject cross-FIRs as well as the alleged offenders, and the individuals who suffered injuries are all present in person in Court today and state in unison that they have amicably resolved all the

differences which led to the registration of the afore-stated cross-FIRs. The complainants in the subject FIRs, who are present in Court and have been identified by the IO in the subject FIRs, namely, SI Manjeet, Police Station- Govind Puri, Delhi state that in view of the amicable resolution of all their outstanding disputes, as afore-stated they are no longer keen to proceed with the subject FIRs and the proceedings arising therefrom.

6. 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].

7. The offences alleged to have been committed in the subject FIRs are private in nature and did not have a serious impact on society at large and were limited to an altercation between two groups of political activists inter se. However, all the individuals as aforementioned in the subject FIRs, who are present in person, are warned to mend their behaviour and conduct and ensure that they maintain peace and harmony for a period of one year from today, failing which, the quashing of subject FIRs may be re-visited.

8. Resultantly, FIR No.616/2015, under sections 323/341/34 IPC, registered at Police Station- Govind Puri, Delhi and FIR No.617/2015, under

sections 323/341/34 IPC, registered at Police Station- Govind Puri, Delhi and the proceedings arising therefrom are hereby set aside and quashed *qua* the respective petitioners subject to each one of them depositing a sum of Rs.10,000/-(Rupees Ten Thousand) with the Victims' Compensation Fund, Government of NCT of Delhi, within a period of two weeks from today. The receipt thereof shall be furnished to the Investigating Officer in the subject FIRs, namely, SI Manjeet, Police Station- Govind Puri, Delhi.

9. With the above said directions, the present writ petitions are allowed and disposed of accordingly.

SIDDHARTH MRIDUL, J

APRIL 05, 2016

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