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

Date of decision: February 04, 2015

+ **W.P.(CRL) 252/2016**

VISHAL @ NANU & ORS Petitioners
Through Ms. Puja Srivastava, Advocate

versus

STATE (NCT OF DELHI) & ORS Respondents
Through Mr. Rajesh Mahajan, Addl. Standing
Counsel (Crl.) with Ms. Parul Jamwal,
Advocate
ASI Shiv Murti, PS Kalyan Puri

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. 1120/2015, under Sections 323/308/34 IPC registered at Police Station- Kalyan Puri, Delhi and the proceedings arising therefrom.

2. The subject FIR came to be registered against the petitioners on a complaint instituted by Sonu Gupta, respondent no. 3/complainant herein alleging that the former had assaulted the latter with an iron rod as well as Ravi Singh- respondent no. 4 herein with a *danda* on the 29th November,

2015 at about 12.30 P.M. It is an admitted position that the injuries suffered by Sonu Gupta, respondent no.3/complainant and Ravi Singh, respondent no. 4 herein are simple and they have since been discharged from the Lal Bahadur Shastri Hospital, Khichripur, Delhi-91 on the same day.

3. Counsel for the parties state that with the aid and intervention of the well-wishers of the parties, the dispute that led to the institution of the subject FIR has been settled amicably by and between the parties by way of a Compromise cum Settlement Deed dated 7th January, 2016. The salient terms and conditions of the afore-stated settlement are as follows:-

- “i) First Party lodged an FIR No. 1120/2015, U/s 323/308/34 IPC registered at P.S.-Kalyan Puri, Delhi against the Second Party which is private in nature and they have resolved their disputes related to said F.I.R. amicably without any coercion and undue influence and also agreed to file petition before the Hon’ble Court for quashing the said FIR.
- ii) Both the parties do not want to pursue any civil or criminal complaint against each other which arose due to any act done by any party till date.
- iii) First Party also undertake not to file any present or future claim in regard to the aforesaid FIR No. 1120/2015, U/s 323/308/34 IPC registered at P.S.-Kalyan Puri, Delhi.

(iv) It is agreed between both the parties that no other dispute has been left between them in regard the aforesaid FIR.”

4. The injured- Sonu Gupta and Ravi Singh, who are present in Court today and have been identified by the Investigating Officer in the subject FIR namely ASI Shiv Murti, Police Station- Kalyan Puri, state that they have been reimbursed the medical expenses incurred by them as a consequence of the injuries that led to the registration of the subject FIR. Sonu Gupta, the complainant herein further states that in view of the amicable resolution of the dispute as afore-stated, he is no longer keen to proceed with the subject FIR and the proceedings emanating therefrom.

5. 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. However, the accused in the subject FIR are warned to mend their behaviour and conduct themselves in a civilized manner for a period of one year from today failing which the quashing of subject FIR may be re-considered.

6. Resultantly, FIR No. 1120/2015, under Sections 323/308/34 IPC registered at Police Station- Kalyan Puri, Delhi and the proceedings arising therefrom are hereby set aside and quashed *qua* all the petitioners subject to their maintaining good behaviour for a period of one year from today and further, subject to their depositing a sum of Rs. 5,000/- each with the Victims' Compensation Fund within a period of two weeks from today. A copy of the receipt thereof shall be provided to the Investigating Officer in the subject FIR.

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

SIDDHARTH MRIDUL, J

FEBRUARY 04, 2015
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