

#6

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

Date of decision: February 08, 2016

+ **W.P.(CRL) 300/2016 and Crl. MA No. 1581/2016 (Exemption)**

MOHD. RUBAN PASHA @ RUBAIN & ORS Petitioners
Through Mr. Naushad A. Khan, Advocate
along with petitioners

versus

THE STATE (GOVT OF NCT DELHI) & ANR Respondents
Through Ms. Nandita Rao, Addl. Standing
Counsel (Crl.) with Ms. Srilina Roy,
Advocate
SI Kishore Kumar, P.S. Govind Puri
Mr. Shadab Mohd. Adv. for R-2 along
with R-2/complainant

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. 1515/2015, under Sections 324/34 IPC registered at Police Station- Govind Puri, Delhi and the proceedings arising therefrom.

2. The subject FIR came to be registered against the petitioners on an allegation made by Paritosh Arya, respondent no.2/complainant herein

alleging that the petitioners had assaulted him, as a consequence of which he suffered injuries. It is an admitted position that the injuries suffered by Paritosh Arya, respondent no.2/complainant herein are simple and he has since been discharged from the concerned hospital 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 Settlement Deed dated 8th December, 2015. The salient terms and conditions of the afore-stated settlement are as follows:-

- “1. Party no. 1 and party no. 2 are residents of the same locality and are well known to each other and they frequently met each other and both the parties are of similar age.
2. On 30.11.2015 at about 9.30 p.m. party no. 2 had suddenly attacked upon party no. 1.
3. Party no. 1 got treated in Majidia Hospital and Rubain of party no. 2 who sustained injury and was treated in a private hospital.
4. Party no. 1 got registered a case bearing no. 1515/2015 under Section 324/34 IPC against the parties no. 2 at Govindpuri Police Station.
5. A talk for settlement between parents of both the families i.e. party no. 1 and party no. 2 were held

without any pressure, inducements, coercion and fear and make them understood and looking into their future and social brotherhood both parties were forced to meet each other and they talk to each other and both parties have decided to settle their disputes.

6. This settlement is entered between both the parties without any pressure and in full senses that we party no. 1 and party no. 2 will not fight in future and will live cordially and peacefully. Party no. 1 will not pursue the case registered under FIR No. 1515/2015 and party no. 2 will take appropriate steps to quash the above mentioned case.”

4. The respondent no.2/complainant- Paritosh Arya, who is present in Court today and has been identified by the Investigating Officer in the subject FIR namely SI Kishore Kumar, Police Station- Govind Puri, Delhi, 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. 1515/2015, under Sections 324/34 IPC registered at Police Station- Govind Puri, Delhi and the proceedings arising therefrom are hereby set aside and quashed *qua* all the petitioners subject to their maintaining peace and observing good behaviour and conduct for a period of one year from today.

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

SIDDHARTH MRIDUL, J

**FEBRUARY 08, 2016
SD**