

#32

IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of decision: 08.02.2016

W.P.(CRL) 407/2016

IRFAN & ANR

..... Petitioners

Through: Mr. Shakeel Ahmad Saifi, Advocate
Petitioners-in-person

versus

STATE & ANR

..... Respondents

Through: Mr. M.S. Oberoi, APP with SI Rishi
Sharma, PS- Jamia Nagar, Delhi for
R-1
Mr. N.K. Sharma, Advocate for R-2
along with R-2 in person

CORAM:

HON'BLE MR JUSTICE SIDDHARTH MRIDUL

SIDDHARTH MRIDUL, J (ORAL)

CRL.M.A.2186/2016 (Exemption)

Exemption granted subject to all just exceptions.

The application is disposed of accordingly.

W.P.(CRL) 407/2016

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 (Cr.P.C.) seeking quashing of FIR No.589/2013, under Sections 420/468/471/506/34 IPC, registered at Police Station- Jamia Nagar, Delhi and the proceedings arising therefrom.

2. It is an admitted position that the subject FIR arises as a consequence of a dispute over an immovable property. Cross cases were filed by the petitioners herein and the complainant/respondent No.2 against each other, which have since been withdrawn before the Civil Court.

3. Counsel appearing on behalf of the petitioners as well as counsel appearing on behalf of the complainant/respondent No.2 state that the parties have settled their disputes amicably out of which the subject FIR has been registered. The salient terms and conditions of the amicable resolution of the disputes between the parties are enshrined in the statement dated 11.02.2015 annexed as Annexure P-4 to this petition. The said statement dated 11.02.2015 is reproduced as under:-

“Ex.243/14
11.02.2015
ON SA

Statement of Sh. Irfan S/o Sh. Shamsher, Aged about 36 years, R/o F-316, Jaitpur Extn., Gali No.9, New Delhi.

I am the DH in the present matter. I hereby voluntarily state that the execution petition has been duly satisfied as we have amicably settled the matter. I hereby seek permission to withdraw the present petition as execution is duly satisfied as settled. I am making this statement voluntarily without any pressure or coercion. I have no objection, if the file is consigned to record room.

RO&AC

TANVI KHURANA
Civil Judge-01 (South)
Saket Courts/New Delhi
11.02.2015”

4. Counsel appearing on behalf of the parties state that they have already acted in pursuance to the afore-stated amicable settlement, inasmuch as, the disputed property has since been transmitted in accordance with law to the complainant/respondent No.2.

5. The complainant/respondent No.2, who is present in person and has been duly identified by IO SI Rishi Sharma, Police Station- Jamia Nagar, states that in view of the afore-stated amicable resolution, he is no longer keen to proceed with the subject FIR 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]. The offences alleged to have been committed in the subject FIR are private in nature and do not have a serious impact on society.

7. In view of the foregoing, since the dispute which resulted in the registration of the subject FIR has already been resolved amicably by and between the parties without any undue influence, pressure or coercion, no useful purpose will be served by proceeding with the subject FIR and the proceedings arising therefrom.

8. Consequently, FIR No.589/2013, under Sections 420/468/471/506/34 IPC, registered at Police Station- Jamia Nagar, Delhi and the proceedings arising therefrom are hereby set aside and quashed *qua* all the petitioners subject to their depositing a sum of Rs.10,000/- (Rupees Ten Thousand Only) each with the Victims' Compensation Fund, Government of NCT of

Delhi within a period of two weeks from today. The receipt of the said deposit shall be furnished to the concerned IO.

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

SIDDHARTH MRIDUL, J

FEBRUARY 08, 2016

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