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

Judgment delivered on: 2nd February, 2016

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CRL.M.C. No.437/2016

SANDEEP GUPTA & ANR

..... Petitioners

Represented by: Mr.Gurmehar S Sistani, Adv
with petitioners.

versus

GOVT OF NCT OF DELHI & ANR

..... Respondents

Represented by: Mr.Arun Kumar Sharma,
APP for the State with ASI
Om Prakash, PS Hauz Khas,
Delhi in person.
Mr.Neeraj Kumar Jha, Adv
for R2 with R2/complainant
in person.

CORAM:

HON'BLE MR. JUSTICE SURESH KAIT

SURESH KAIT, J. (Oral)

Crl. M.A.No.1838/2016 (for exemption)

Exemptions allowed, subject to all just exceptions.

Accordingly, the application is allowed.

CRL.M.C. No.437/2016

1. Vide the present petition filed under Section 482 of the Code of Criminal Procedure, 1973, petitioners seek quashing of FIR No.328/2012 registered at Police Station Hauz Khas for the offences punishable under Sections 323/448/34 of the IPC and the consequential proceedings emanating therefrom against them.

2. Learned counsel appearing on behalf of the petitioners submit that the aforesaid case was registered on the complaint of respondent No.2, Devender Narang and police has filed the charge sheet, however charges are yet to be framed by learned Trial Court. Meanwhile, the respondent No.2 has amicably settled his disputes with the petitioners vide agreement settlement dated 17.04.2014 arrived between them before Mediation Centre, Saket Courts, New Delhi. Pursuant to such settlement, payment of agreed amount has already been made by the parties. Consequent to such settlement, respondent No.2 is no more interested to pursue his case anymore against them and has no objection, if the present petition is allowed.

3. Respondent No.2 is personally present in the Court through learned counsel, above named and has also been duly identified by the Investigating Officer of the case. Learned counsel for respondent No.2 under instructions does not dispute as to what is stated by learned counsel for petitioners and consequent to settlement and payment of agreed amount, respondent No.2 does not wish to pursue this case further and has no objection if the present petition is allowed. The affidavit of respondent No.2 is at Page No.36 of the petition.

4. Learned Additional Public Prosecutor appearing on behalf of the State submits that matter is at the initial stage of trial. Since the parties have amicably settled the matter and the respondent No.2/ complainant does not wish to pursue the case against the petitioners, therefore, looking to the overall circumstances, no useful purpose will be served in continuing the proceedings. Thus, the State has no objection if the present

petition is allowed.

5. Undisputedly, offence punishable under Section 323/448 of the IPC is compoundable and consequent to filing of charge sheet, matter is pending with learned Trial Court for framing of charges. However, parties have invoked the jurisdiction of this Court under Section 482 Cr P C, instead of moving before learned Trial Court for compounding the matter.

6. Both the parties who are present in the Court today, approbate the aforesaid settlement dated 17.04.2014 and undertake to remain bound by the same.

7. In view of the above discussion, considering the settlement arrived at between the parties and the statement of respondent No.1&2, I am of the considered opinion that this matter deserves to be given a quietus as continuance of proceedings arising out of the FIR in question would be an exercise in futility.

8. Consequently, FIR No.328/2012 registered at Police Station Hauz Khas for the offences punishable under Sections 323/448/34 of the IPC and all proceedings emanating therefrom, are hereby quashed.

9. Accordingly, the present petition is allowed with no order as to cost.

10. A copy of this order be given *dasti* to the learned counsel for the parties.

Crl. M.A.No.1837/2016 (for stay)

Dismissed as infructuous.

**SURESH KAIT
(JUDGE)**

FEBRUARY 02, 2016

M/jg