

#35

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

**Date of decision: 08<sup>th</sup> February, 2016**

+ **W.P.(CRL) 411/2016**

MONU @ MONU SINGH & ANR. .... Petitioners

Through: Mr. Ranvir Singh, Adv.

versus

STATE (GOVT OF NCT OF DELHI) & ORS. .... Respondents

Through: Mr. Jamal Akhtar, Adv. for Mr. Rahul Mehra, Standing Counsel (Crl.) for State.

ASI Yashpal, PS Krishna Nagar.

**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. 533/2014 under Sections 308/341/34IPC registered at Police Station-Krishna Nagar, Delhi and the proceedings arising therefrom.

2. The subject FIR came to be registered on an allegation by Mr. Umesh Jain, the respondent No. 2/complainant herein, to the effect that he was assaulted by his neighbours namely, Mr. Monu @ Monu Singh and Mr.

Nanu @ Nitesh, the petitioners herein over a trivial dispute. The complainant who is present in person and has been identified by the IO in the subject FIR namely, ASI Yashpal, Police Station-Krishna Nagar states that he as well as his friend Deepak who were assaulted by the petitioners, have entered into an amicable settlement which is enshrined in a deed dated 15<sup>th</sup> January, 2016. The salient terms and conditions of the said deed are as follows:-

- “1. That on dated 01.08.2014 the quarrel had taken place between the parties of compromise on some petty issues, resultantly a criminal case vide FIR No – 0533/2014 u/s 308, 341/34 IPC was registered against the Ist party at the instance of the IInd party at P.S. Krishna Nagar, Delhi on dated 04.08.2014. The Ist party was admitted to bail by the Hon’ble court concerned.
2. That now both the parties being neighbours & friends with each other have amicably settled the matter with the intervention of their relatives, well wishers & respected persons of society with their free will & consent, without any pressure, undue influence, threats, promise, compulsion or coercion & with their sound state & disposing mind.
3. That now nothing remains in dispute between both parties regarding the said case, since the parties have removed their all kind of disputes through the said compromise.
4. That it has been agreed between both the parties that the Ist party will pay Rs 20,000/- to the IInd Party towards the expenses over the treatment of injuries & the IInd party

will incorporate the Ist party to quash the FIR & emanating proceedings therefrom if any before the Hon'ble High Court of Delhi. In terms of the said settlement the IInd party has already received the aforesaid settlement amount from the IInd party.

5. That it has been settled between the parties that they will maintain the peace & harmony & will be more cautious in future towards the respect of each other in future & they will not create any kind of unnecessary problems to each other of their families.”

4. The complainant as well as his friend Mr. Deepak @ Deepak Gola who is incidentally also a business partner of Mr. Monu @ Monu Singh, the petitioner No. 1 herein states that in pursuance of the said settlement a sum of Rs. 20,000/- has been received by them. The petitioners who are present in person state that they undertake to maintain peace and harmony and observe good conduct as a mark of expressing their remorse over the incident that led to the registration of the subject FIR.

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.

6. In view of the foregoing since the disputes that led to the registration of the subject FIR has been resolved amicably between the parties, no useful purpose would be served by proceeding with the present FIR.

7. Resultantly, the FIR No. 533/2014 under Sections 308/341/34IPC registered at Police Station-Krishna Nagar, Delhi and the proceedings arising therefrom are hereby set aside and quashed qua all the petitioners subject to petitioners depositing a sum of Rs. 10,000/- each with the Victims' Compensation Fund within a period of two weeks from today and subject to the condition of their maintaining good conduct for a period of one year from today. A copy of the receipt thereof shall be provided to the Investigating Officer in the subject FIR.

8. With the above said directions, the writ petition is allowed and disposed of accordingly.

**SIDDHARTH MRIDUL, J**

**FEBRUARY 08, 2016/sr**