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

+ W.P.(CRL) 368/2016

ROHIT SOLANKI AND ORS

..... Petitioners

Through: Mr.Rajendra Singh Negi, Advocate

versus

THE STATE AND ANR

..... Respondents

Through: Ms.Kamna Vohra, A.S.C. for the
State with SI Sandeep Kumar PS
Ranhola

CORAM:

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

% **19.02.2016**

1. The petitioners have invoked the writ jurisdiction of this Court with a prayer that case FIR No.68/2016 registered under Sections 324/452/336/34 IPC at PS Ranhola, Delhi may be quashed in view of the settlement entered into with the complainant/injured.

2. The FIR in question has been registered on the statement of respondent No.2, Anshu Solanki. He has reported that on 23rd January, 2016 at about 9.30 p.m. he along with his uncle Pradeep was standing outside his house in the Gali. All the four petitioners, namely, Rohit Solanki, Rahul Solanki, Naresh @ Chhota & Praveen @ Buddha were consuming liquor on the road. His uncle asked them not to take liquor on the road and take it inside their house. Thereafter, the petitioners started abusing and he along with his uncle Pradeep Solanki came inside the house. All the four petitioners followed them inside the house. Praveen @ Buddha attacked on

the hand of his uncle with knife. The complainant Anshu Solanki called his cousin Ravi Solanki, who along with other brothers reached there. On seeing them the petitioners tried to flee but while fleeing Praveen @ Buddha fired twice with some weapon. Again there was scuffle and at that time one pistol which was with Rohit fell on the ground but he picked his pistol and ran away. Thereafter PCR was called and injured was removed to the hospital and the matter was reported to the Police.

3. In the settlement deed, it is mentioned that all of them are residing in the same area and they have entered into the settlement.

4. The question that arises for consideration in this case is that while the petitioners were allegedly consuming the liquor on the road, they were armed with knife and fire arms which were allegedly used by them when the complainant and his uncle had entered their house after asking the petitioners not to take the liquor on the road. Such type of offences cannot be considered as private offence simplicitor. Rather these offences are to be treated against the society and fall in a category where it has to be termed as serious crime and the settlement cannot be given a stamp of approval by the Court.

5. Merely because the parties are residing in the same area is no ground to quash this proceedings for the reason that such type of offences cannot be taken up by this Court lightly as quarrel between neighbours.

6. In view of the above, the prayer for quashing of the FIR in question is declined.

7. The writ petition is dismissed.

PRATIBHA RANI, J.

FEBRUARY 19, 2016/‘pg’