

#39

IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of decision: 11.05.2016

W.P.(CRL) 415/2016

MANPREET @ ANSHU

..... Petitioner

Through: Mr. Gaurav Dua, Advocate

versus

THE GOVT OF NCT OF DELHI

..... Respondent

Through: Mr. Sanjay Lao, ASC (Criminal) with
Mr. Siddharth Sindhu, Advocate and
SI Neeraj Kumar and ASI Raghu Raj
Singh, PS- Mandawali for R-1
Mr. Dushyant Chaudhary, Advocate
for R-2

CORAM:

HON'BLE MR JUSTICE SIDDHARTH MRIDUL

SIDDHARTH MRIDUL, J (ORAL)

CRL.M.A.7484/2016 (Early Hearing)

1. The present application seeks advancement of date of hearing on the ground that the petitioner and the complainant/respondent No.2 in the subject FIR have already settled their dispute that led to the registration of the subject FIR, amicably.
2. In view of the foregoing, since there is no opposition to the present

application, for the reasons stated in the same, which are duly supported by an affidavit, it is allowed. The hearing of the accompanying petition is advanced with the consent of the parties. The date already fixed i.e. 19.08.2015 stands cancelled.

3. The application is disposed of accordingly.

W.P.(CRL) 415/2016

1. With the consent of counsel for the parties, the present petition is being heard and disposed of by way of the present order.

2. 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.0045/2016, under Section 308 IPC , registered at Police Station- Mandawali Fazalpur, Delhi, and the proceedings arising therefrom.

3. The subject FIR came to be registered on a complaint made by Ajay @ Kallu, complainant/respondent No.2, to the effect that Manpreet @ Anshu, the petitioner herein, with whom he had commercial transactions in the past, accosted him near his house, demanding payment for delivery of certain goods and assaulted him with an iron rod lying on the spot, on his refusal to pay the subject amount, by pointing out that account has been settled earlier.

4. It is an admitted position that Ajay @ Kallu, complainant/respondent No.2, suffered simple injuries, in the opinion of the concerned doctor, as expressed in the MLC, as a consequence of the assault,. It is further an admitted position that the assault was spontaneous and not the product of any premeditation.

5. Ajay @ Kallu, complainant/respondent No.2, who is present in Court and has been duly identified by SI Neeraj Kumar, Police Station- Mandawali Fazalpur and represented by counsel states that in view of the settlement arrived at between him and the petitioner, he is no longer keen to prosecute the subject FIR and the proceedings arising therefrom. The settlement deed dated 29.01.2016 is annexed to the present petition as Annexure-B. The salient terms of the settlement deed dated 29.01.2016 are as follows:-

- “1. That the parties hereto declare that they have no grievance/claim against each other and their disputes and differences have been settled finally hereto with their mutual consent and with the help of some well wishers.
2. That it is agreed between the parties that the parties shall approach the Hon’ble High Court of Delhi for quashing of the aforesaid FIR and the First Party shall fully cooperate for quashing the FIR registered against the Second Parties as the First Party do not wish to proceed further in the matter. To this effect, the First Party shall sign appropriate

documents, affidavit, etc. as required by law and give them to the Second Party.

3. That the parties have entered into this Settlement Deed without any pressure, fear, coercion or undue influence from any corner and have agreed to abide with the terms and conditions mentioned herein above as binding thereupon. This settlement deed is irrevocable.
4. That this Settlement Deed shall be signed in duplicate, both of which shall be treated as original. Each party shall keep one copy each.”

6. I am informed at the Bar that without prejudice to the rights and contentions, the petitioner has compensated Ajay @ Kallu, complainant/respondent No.2, towards the medical expenses borne by him, as a consequence of the alleged assault. The petitioner, who is present in person in Court today, expresses remorse over the incident and undertakes to maintain good behaviour henceforth.

7. The petitioner in the present petition is a young man of 21 years and the subject FIR has the potential to blight his fledgling career.

8. 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. Even otherwise, the genesis of the dispute is a commercial transaction between Manpreet @ Anshu, the petitioner herein and Ajay @ Kallu, complainant/respondent No.2 herein and the alleged incident of assault was spontaneous and at the spur of the moment.

9. 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.

10. Consequently, FIR No.0045/2016, under Section 308 IPC, registered at Police Station- Mandawali Fazalpur, Delhi, and the proceedings arising therefrom are hereby set aside and quashed *qua* the petitioner subject to his performing Kar Sewa at Gurudwara, B-Block, Pandav Nagar, Delhi, everyday from tomorrow i.e. 12.05.2016 for three hours between 06.00 a.m. to 09.00 a.m. for a period of one week. Head of the Management of the said Gurudwara is requested to utilize the services of the petitioner in any manner he considers appropriate and furnish a certificate *qua* his conduct at the

expiry of the said period of one week to the IO in the subject FIR, namely, SI Neeraj Kumar, Police Station- Mandawali Fazalpur, Delhi.

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

12. A copy of this order be sent to the Head of the Management of Gurudwara, Gurudwara, B-Block, Pandav Nagar, Delhi for necessary information and compliance.

MAY 11, 2016

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SIDDHARTH MRIDUL, J

