

#33 & 34

IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of decision: 23.02.2016

W.P.(CRL) 565/2016

NAEEM AHMED & ORS

..... Petitioners

Through: Mr. Nisheeth Anand, Advocate

versus

STATE & ORS

..... Respondents

Through: Mr. Rajesh Mahajan, ASC (Criminal)
with Ms. Parul Jamwal, Advocate and
SI Varun Dalal, PS- Sadar Bazaar,
Delhi for R-1
Mr. M. Sufian Siddiqui, Advocate
with Mr. Rakesh Bhugra, Advocate
for R-2

W.P.(CRL) 573/2016

MOHAMMAD SHAHBAZ & ANR.

..... Petitioners

Through: Mr. M. Sufian Siddiqui, Advocate
with Mr. Rakesh Bhugra, Advocate

versus

THE STATE (NCT OF DELHI) & ANR.

..... Respondents

Through: Mr. Rajesh Mahajan, ASC (Criminal)
with Ms. Parul Jamwal, Advocate and
SI Varun Dalal, PS- Sadar Bazaar,
Delhi for R-1
Mr. Nisheeth Anand, Advocate for
R-2

CORAM:
HON'BLE MR JUSTICE SIDDHARTH MRIDUL

SIDDHARTH MRIDUL, J (ORAL)

CRL.M.A.3156/2016 in W.P.(CRL) 565/2016
CRL.M.A.3184/2016 in W.P.(CRL) 573/2016

Exemption granted subject to all just exceptions.

The applications are disposed of accordingly.

W.P.(CRL) 565/2016
W.P.(CRL) 573/2016

1. The above writ petitions seek quashing of cross FIRs registered by the parties against each other.
2. In Writ Petition (Criminal) No.565/2016 quashing is sought of FIR bearing No.740/2015, under sections 323/341/308/34 IPC, registered at Police Station- Sadar Bazaar, Delhi and the proceedings arising therefrom.
3. In Writ Petition (Criminal) No.573/2015 quashing is sought of FIR bearing No.739/2015, under sections 308/323/341/34 IPC, registered at Police Station- Sadar Bazaar, Delhi and the proceedings arising therefrom.
4. The parties are present in person and state in unison that the subject cross FIRs were the consequence of an altercation over parking space between neighbours.

5. Counsel for the parties state that a fight broke out between the neighbours, who are the complainants and the accused in the respective FIRs, on 05.12.2015, on account of parking of vehicles. The altercation lead to the petitioners in Writ Petition (Criminal) No.565/2016 registering an FIR under sections 323/341/308/34 IPC being FIR No.739/2015 at Police Station- Sadar Bazaar, Delhi against Mohd. Shahbaz and Mohd. Nomaan. Mohd. Shahbaz and Mohd. Nomaan, the writ petitioners in Writ Petition (Criminal) No.573/2016 similarly registered an FIR No.740/2015, under sections 308/323/341/34 IPC at Police Station- Sadar Bazaar, Delhi against Naeem Ahmed Khan, Naseem Ahmed Khan, Noor Ahmed Khan, Mohd. Zahid and Qaraan Khan.

6. The parties state that with the intervention of neighbours, friends and family they have settled all their misunderstandings and have entered into a Memorandum of Understanding dated 11.01.2016. The terms and conditions of the said Memorandum of Understanding are as under:-

- “1. The first party has agreed that they shall not pursue the FIR No.739/15 pertaining to P.S. Sadar Bazaar, Delhi registered against the second party and the second party has also agreed not to pursue the FIR No.740/15 pertaining to P.S. Sadar Bazaar, Delhi registered against the first party.

2. That both the parties have agreed that they shall not file any further case/litigation against each other pertaining to the occurrence dated 05.12.2015.
3. That both the parties have agreed to approach the Hon'ble Delhi High Court to get the respective FIR's No.739/2015 and FIR No.740/2015 pertaining to P.S. Sadar Bazaar, Delhi quashed, registered against each other.
4. That the present settlement agreement has been executed by both the parties without any coercion, fraud, misrepresentation or ill will and the same has been executed out of their free will and consent.
5. That the present settlement agreement has put an end to all claims, grievances, pertaining to the said occurrence dated 05.12.2015 and the same shall be construed as a Full and Final settlement agreement.
6. That the present settlement agreement has been executed by both the parties without taking any monetary consideration from each other or anybody else to settle the same.
7. That both the parties will bear their own legal/documentation charges of quashing of FIRs and shall not claim any amount from each other in this regard."

7. In view of the aforesaid, the complainants in the respective FIRs, who are present in person as aforesaid and have been identified by the IO SI Varun Dalal, Police Station- Sadar Bazaar, Delhi respectively state that they are no longer keen to proceed with the subject FIRs and the proceedings arising therefrom.

8. Since the parties in the cross FIRs have settled their dispute over parking space for vehicles in a good and amiable manner, without any undue

influence, pressure or coercion, no useful purpose will be served by proceeding with the subject cross FIRs and the proceedings arising therefrom. Consequently, the subject cross FIRs bearing No.740/2015, under sections 323/341/308/34 IPC, registered at Police Station- Sadar Bazaar, Delhi and FIR No.739/2015, under sections 30/323/341/34 IPC, registered at Police Station- Sadar Bazaar, Delhi and the proceedings arising therefrom are hereby set aside and quashed qua all the petitioners in Writ Petition (Criminal) Nos.565/2016 and 573/2016 respectively, subject to the petitioners in both these petitions depositing a sum of Rs.5,000/-(Rupees Five Thousand Only) each with Victims' Compensation Fund, Government of NCT of Delhi within a period of two weeks from today and undertaking to maintain peace and good behaviour for a period of one year. The receipt of the said deposit shall be furnished to the concerned IOs in the cross FIRs.

9. The writ petitions are disposed of accordingly.

10. *Dasti.*

SIDDHARTH MRIDUL, J

FEBRUARY 23, 2016

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