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

Judgment delivered on: 11th March, 2016

+ **CRL.M.C. No.1027/2016**

CHANDER PAL

..... Petitioner

Represented by: Ms. Narbada Nayak, Advocate
with Petitioner in person.

Versus

STATE & ANR.

..... Respondents

Represented by: Mr.Amit Ahlawat, Additional
Public Prosecutor for the State.
Respondent No.2 in person.

CORAM:
HON'BLE MR. JUSTICE SURESH KAIT

SURESH KAIT, J. (Oral)

Crl.M.A. No.4401/2016 (for exemption)

Exemptions allowed, subject to all just exceptions.

Accordingly, the application is allowed.

CRL.M.C. No.1027/2016

1. Vide the present petition filed under Section 482 of the Code of Criminal Procedure, 1973, petitioner seeks quashing of FIR No. 459/2013 registered at Police Station Neb Sarai, New Delhi, for the offence punishable under Section 420 IPC and the consequential proceedings emanating therefrom against him.

2. Learned counsel appearing on behalf of the petitioner submits that the aforesaid case was registered on the complaint of respondent

No.2, Naseem Khan, due to some misunderstanding. The matter is at the initial stage of investigation as chargesheet is yet to be filed. It is noted that the petitioner and the respondent No.2 reside in the same locality. Meanwhile, with the intervention of the neighbours and common friends, the respondent No.2 and the petitioner have amicably settled their disputes. Thus, respondent No.2 has no objection if the present petition is allowed.

3. Respondent No.2 is personally present in the Court. For his identification, he has placed on record the original Aadhar Card bearing No.9400 5987 9103 (original seen and returned). He does not dispute the submissions made by learned counsel for the petitioner and submits that the matter has been amicably settled with the petitioner. Therefore, to maintain peace and cordiality in the neighbourhood, the respondent No.2 does not wish to pursue this case further against the petitioner.

4. Learned Additional Public Prosecutor appearing on behalf of the State submits that the matter is at the initial stage of investigation as chargesheet has not yet been filed against the petitioner. Since the respondent No.2 has settled the dispute with the petitioner and does not wish to pursue this case further, therefore, the State has no objection if the present petition is allowed.

5. Undisputedly, offence punishable under Section 420 IPC is compoundable and matter is pending investigation with the police. As such, parties invoked the jurisdiction of this Court under Section 482

Cr.P.C., instead of moving before the learned Trial Court for compounding the matter.

6. In view of the above discussion, considering the settlement arrived at between the parties and the statement of respondent No.2 and the learned Additional Public Prosecutor for the State, 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.

7. Consequently, FIR No. 459/2013 registered at Police Station Neb Sarai, New Delhi, for the offence punishable under Section 420 IPC and all proceedings emanating therefrom are hereby quashed qua the petitioner.

8. Accordingly, the present petition is allowed with no order as to costs.

**SURESH KAIT
(JUDGE)**

MARCH 11, 2016
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