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IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of decision: 21.03.2016

+ W.P.(CRL) 631/2016

MOHD. FAIZAN & ANR

... Petitioners

Through: Mr. F. Haq and Md. Imran,
Advocates.

versus

THE STATE (NCT OF DELHI) & ANR

..... Respondents

Through: Mr. Rajesh Mahajan, ASC with Ms.
Parul Jamwal, Advocate with ASI
Yatender Kumar, PS New Ashok
Nagar.

Mr. M. Fazal, Advocate for R-2 with
R-2 in person.

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 Code of Criminal Procedure, 1973 (hereinafter referred to as Cr.P.C.). seeking quashing of FIR No.1648/2015 under

Sections 307/34 IPC registered at Police Station- New Ashok Nagar and the proceedings emanating therefrom.

2. The subject FIR came to be registered at the instance of respondent No. 2 on an allegation that the petitioners, who are his brothers-in-law, had assaulted him with deadly weapons as a consequence of the latters' unhappiness over the former's matrimonial alliance with their sister. The MLC qua the complainant opines that he suffered simple injuries.

3. The complainant, who is present in person in the Court today, and is identified by the Investigating Officer, ASI Yatender Kumar, Police Station New Ashok Nagar, states that in view of the circumstance that the discord between the parties that led to the registration of the said FIR has been amicably resolved and he is residing happily with his wife, i.e., the sister of the petitioners herein, he is no longer keen to prosecute the subject FIR and the proceedings arising therefrom.

4. The terms and conditions of the amicable settlement are enshrined in the settlement deed dated 4th February, 2016 which is annexed to the present petition. The salient features of the said settlement deed are as follows:-

“1. That the amicable settlement between both the parties is without any kind of pressure, coercion or threat from any quarter what-so-ever.

2. That it has been mutually agreed that both the parties shall maintain cordial relations as they are doing their respective business in the same locality.

3. That it has been mutually agreed between both the parties that the second party shall approach to the Hon'ble High Court of Delhi for quashing of the above said FIR and the first party shall fully cooperate with the second party for quashing of the above FIR and shall sign all the required documents and shall also provide the necessary documents for the said purpose.

4. That it has also been mutually agreed that the first party shall appear before the Hon'ble High Court of Delhi for giving the statement of amicable settlement.

5. That the contents of this M.O.U. have been read over to both the parties in their vernacular.”

5. In view of the foregoing, since the dispute that led to the registration of the subject FIR has been amicably resolved by and between the petitioners on one hand and their brother in law on the other, without any undue influence, pressure or coercion, no useful purpose shall be served by proceeding with the subject FIR.

6. Resultantly, FIR No. 1648/2015, under Sections 307/34 IPC, registered at Police Station- New Ashok Nagar is hereby set aside and quashed *qua* all the petitioners subject to their depositing a sum of Rs.5,000/- each with the Victims' Compensation Fund, Govt. of NCT of Delhi, within a period of two weeks from today. Receipt of the same shall be provided to the Investigating Officer within of the subject FIR.

7. The present petition is allowed in the above terms.

8. *Dasti.*

SIDDHARTH MRIDUL, J

MARCH 21, 2016

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