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IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of decision: 09.03.2016

W.P.(CRL) 754/2016

ASHWANI & ORS

..... Petitioners

Through: Mr. Amit Sahni, Advocate

versus

STATE (GOVT OF NCT OF DELHI) & ANR Respondents

Through: Mr. Sanjay Lao, ASC (Criminal)
Mr. Akash Yadav- Respondent
No.2/Complainant in person
Mr. Bhavanshu Saini – Injured in
person

CORAM:

HON'BLE MR JUSTICE SIDDHARTH MRIDUL

SIDDHARTH MRIDUL, J (ORAL)

CRL.M.A.4231/2016 (Exemption)

Exemption granted subject to all just exceptions.

The application is disposed of accordingly.

W.P.(CRL) 754/2016

1. 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.0838/2015 dated 15.10.2015, under Sections 323/324/341/34 IPC, registered at Police Station- Dwarka North, South West, Delhi and the proceedings arising therefrom.

2. The facts in brief are that the petitioners as well as respondent No.2/complainant are students of Netaji Subhash Institute of Technology (NSIT), Azad Hind Fauj Marg, Sector-3, Dwarka, New Delhi and are pursuing their respective degrees in Engineering . In the backdrop of an election to the student body of the aforesaid institute and during the run-up to a cultural festival in the institute, an altercation took place on 14.10.2015 between the complainant in the subject FIR and the petitioners herein.

3. It is alleged that surgical blades were used by the parties to attack each other. The incident is evocative of the idiom that *'politics is war by other means'* as well as the saying that *'all is fair in love and war'*. Senseless violence over trivial or no issues at all has become endemic in Delhi. One can only shudder at the prospect of these violent tendencies spilling over to affect the general populace and leading to chaos and a state of anarchy.

4. Be that as it may, in the present case it is observed that the only non-compoundable offence of which the petitioners have been accused of, is causing grievous injuries to the respondent No.2/complainant as well as to

his friend, namely Bhavanshu Saini, who was also attacked and injured during the said altercation. The complainant and his friend are present in person in Court today and have produced their identity proofs to the satisfaction of this Court.

5. It is urged by the parties herein that they have entered into an amicable resolution of their disputes that led to the altercation resulting in the registration of the subject FIR by way of a settlement deed dated 30.01.2016 which is annexed to the present petition as ‘Annexure-P2 (Collectively)’.

6. Mr. Amit Sahni, learned counsel appearing on behalf of the petitioners states that in view of the foregoing and the circumstance that the petitioners are all students and that the subject FIR may blight their career prospects, this Court may be pleased to set aside and quash the subject FIR qua them.

7. The petitioners, who are present in person in Court today, express remorse over the incident and undertake to maintain good behaviour henceforth.

8. 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.

9. Consequently, FIR No.0838/2015 dated 15.10.2015, under Sections 323/324/341/34 IPC, registered at Police Station- Dwarka North, South West, Delhi and the proceedings arising therefrom are hereby set aside and quashed *qua* all the petitioners subject to each of them performing Kar Sewa at Gurudwara, Sector-12, Dwarka, New Delhi, once a week on every Saturday for three hours between 06.00 a.m. to 09.00 a.m. for a period of four weeks. Head of the Management of the said Gurudwara is requested to utilize the services of the petitioners in any manner he considers appropriate and furnish a certificate *qua* their conduct at the expiry of the said period of four weeks.

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

11. A copy of this order be given *dasti* under the signature of Court Master to counsel for the parties. A copy of this order be also sent to the Head of the Management of Gurudwara, Sector-12, Dwarka, New Delhi for necessary information and compliance.

SIDDHARTH MRIDUL, J

MARCH 09, 2016

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