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IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of decision: 22.03.2016

W.P.(CRL) 936/2016

ANIKET VAIBHAV & ORS

..... Petitioners

Through: Mr. Aditya Gaur, Advocate

versus

THE STATE (GOVT OF NCT DELHI) & ANR..... Respondents

Through: Ms. Richa Kapoor, ASC (Criminal)
for R-1

Respondent No.2 in person

CORAM:

HON'BLE MR JUSTICE SIDDHARTH MRIDUL

SIDDHARTH MRIDUL, J (ORAL)

CRL.M.A.5081/2016 (Exemption)

Exemption granted subject to all just exceptions.

The application is disposed of accordingly.

W.P.(CRL) 936/2016

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.56/2015, under Sections 323/341/34 IPC, registered at Police Station- Vasant Kunj, Delhi and the proceedings arising therefrom.

2. The subject FIR came to registered as a consequence of an altercation between the complainant Shiv Narayan Sidh and the petitioners herein on 17.01.2015, who were all students of Jawahar Lal Nehru University at the relevant time, on a trivial issue. As per the FIR, the petitioners assaulted the complainant as they misunderstood him for obstructing their way on the road. The injuries suffered by the complainant in the afore-stated incident were opined to be simple in nature and he was discharged after receiving first aid on the same day. The present is another manifestation of the rage which erupts on public streets and roads in Delhi over such trifles. Senseless violence over trivial issues, is assuming epidemic proportions in the city. Frequently, it is observed that men of all ages display unnecessary machismo on the road at the drop of a hat without any serious provocation. This is an issue that needs to be seriously addressed if law and order has to be maintained in the city.

3. Be that as it may, Shiv Narayan Sidh has filed an affidavit in support of the present petition to the following effect:-

“Affidavit

I, Shiv Narayan Sidh aged about 36 years S/o Sh. Sultan Nath Sidh R/o. 1st Floor, Virbhan Villa, 22/B-3, Budh Vihar, Munirka, New Delhi-110067, do hereby solemnly affirm and declare as under:

1. That I am the respondent No.2/complainant in the present case and well conversant with the facts of the case as such competent to swear this affidavit.
2. That a FIR No.56/2015, U/s 323/341/34 IPC, P.S. Vasant Kunj North was against the petitioners on the complaint lodged by me.
3. That with the intervention of common friends, well wishers and relatives, I have resolved all my disputes with the petitioners without any pressure, threats, coercion or undue influence from any corner whatsoever and in terms of the settlement, I do not want to pursue further against the petitioners in the said FIR.
4. That I have no objection if the said FIR is quashed which was registered against the petitioners on my complaint.
5. That the aforesaid settlement have been arrived at between me and the petitioner of my own free will and consent and without any pressure, threats, coercion or undue influence from any corner. The contents of the present affidavit have been read over and explained to me in vernacular and the same are true and correct to my knowledge.

Sd/-
Deponent”

4. Shiv Narayan Sidh, the complainant, who is present in person in Court today and has been identified by the IO in the subject FIR namely, SI

Manoj, Police Station- Vasant Kunj (North), Delhi states that the altercation was a consequence of a sudden rush of blood and better sense has prevailed leading to the petitioners having expressed remorse over the incident and having tendered unconditional apology to him. The complainant further states that with the aid and intervention of respectable members of the community, the dispute that resulted in the registration of the subject FIR, has been resolved amicably.

5. The petitioner Nos.1 to 5, respectively are present in person in Court today and express deep remorse over the incident and undertake to maintain good behaviour in future. It is also observed that the petitioners do not have any criminal antecedents.

6. In view of the foregoing, since the quarrel that led to the registration of the subject FIR has been resolved amicably without any undue influence, pressure or coercion, no useful purpose will be served by proceeding with the subject FIR and the proceedings arising therefrom.

7. Consequently, FIR No.56/2015, under Sections 323/341/34 IPC, registered at Police Station- Vasant Kunj, Delhi and the proceedings arising therefrom are hereby set aside and quashed *qua* all the petitioners.

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

SIDDHARTH MRIDUL, J

MARCH 22, 2016

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