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

+ W.P.(CRL) 1100/2016

AMIT MITTAL Petitioner

Through: Mr Prateek Mehta, Advocate.

versus

STATE & ORS Respondents

Through: Mr Rajesh Mahajan, Addl. Standing
Counsel (Crl.) with Ms Parul Jamwal,
Advocate.
SI Prempal Singh, PS- Bhajan Pura.
Mr Ashish Vajpayee, Advocate for
complainant/R-3 with complainant in
person.

CORAM:

HON'BLE MR. JUSTICE SIDDHARTH MRIDUL

ORDER

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05.04.2016

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.1702/2014, under Section 394 IPC, registered at Police Station- Bhajan Pura, Delhi.

The subject FIR came to be registered on an allegation levelled by Sh. Ashok Mittal against his son Amit Mittal, who is the petitioner herein, to the effect that the latter assaulted him whilst he was sitting at his shop and fled away after taking Rs.20,000/- from his drawer. The father and son duo, who are present in court today and have been identified by the IO in the subject FIR, namely, SI Prempal Singh, PS- Bhajan Pura, state in unison that the incident arose as a consequence of family discord and that they have amicably resolved the underlying dispute that led to the altercation between the two.

It is an admitted position that the petitioner has clean antecedents and that the subject FIR represents a solitary incident of the petitioner having crossed the

line. Sh. Ashok Mittal (complainant) states that with the intervention of immediate family the issue that led to the registration of the subject FIR has been amicably resolved and, consequently, he is no longer keen to proceed with the subject FIR.

Amit Mittal, the petitioner, has also expressed deep remorse at the incident and assures this court that there shall not be a repetition. Amit Mittal undertakes to maintain good conduct for a period of one year from today.

In view of the foregoing, since the dispute that led to the altercation between members of the same family has been resolved amicably without any undue influence, pressure or coercion by and between them, no useful purpose will be served by proceeding with the subject FIR. Resultantly, FIR No.1702/2014, under Section 394 IPC, registered at Police Station- Bhajan Pura, Delhi is hereby set aside and quashed qua the petitioner subject to the petitioner making himself available for community services at Hanuman Mandir, Bhajan Pura, between 6 a.m. to 9 a.m. on every Tuesday for the next four weeks. The management of the concerned Hanuman Mandir is requested to utilize the services of the petitioner for community service in a manner they deem fit on the said days. The management is requested to furnish the IO in the subject FIR with a report in this behalf at the expiry of the aforesaid period of four weeks qua the conduct and demeanour of the petitioner.

With the above directions the writ petition is allowed and disposed of.

SIDDHARTH MRIDUL, J

APRIL 05, 2016

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