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

**Date of decision: 27.05.2016**

W.P.(CRL) 1071/2016 & CrI.M.A.5492/2016

RAJENDER KUMAR & ORS.

..... Petitioners

Through : Mr. Rakesh Sharma, Adv. for P-1 & 3.

versus

STATE (NCT OF DELHI ) & ORS.

..... Respondents

Through : Mr. Avi Singh, ASC with SI Jitender  
Joshi PS Aman Vihar in person.  
Mr. Jitender Kumar, Adv. for R-2.

**CORAM:**

**HON'BLE MR JUSTICE SIDDHARTH MRIDUL**

**SIDDHARTH MRIDUL, J (ORAL)**

1. The present petition under Article 226 of the Constitution of India read with section 482 of Code of Criminal Procedure, 1973 (Cr.P.C.) seeks quashing of FIR No.814/2014, under Sections 427/451/34 IPC, Police Station- Aman Vihar.

2. The subject FIR came to be registered on the allegations made by Mr. Rajesh, respondent no.2 herein alleging that the petitioners had caused the destruction and harm to his property and attempted to demolish the structure standing thereupon.

3. It is an admitted position that offences alleged to have been committed in the subject FIR are compoundable in terms of the provisions of Section 320 of Cr.P.C.. In the facts and circumstances of the present case, it is further observed that the said offences are compoundable at the instance of the complainant.

4. Learned counsel appearing on behalf of the petitioners invites my attention to the order dated 09.10.2015 whereby their application under Sections 320 of Cr. P.C. for compounding of offences, alleged to have been committed in the subject FIR, was rejected on the ground that the same was pre-mature in view of the circumstance that the charge sheet had not been filed. Learned counsel appearing on behalf of the petitioners would urge that conclusion arrived at by the concerned Magistrate on 09.10.2015 is unwarranted and contrary to the law. However, it is an admitted position that the said order dated 09.10.2015 has attained finality in view of the circumstance that it has not been assailed before the higher Court.

5. Be that as it may, in the present petition it is noticed that the complainant as well as the petitioners have entered into a compromise dated 06.01.2016 whereby it has been, inter alia, agreed by the complainant to the subject FIR that he does not want to proceed with the same and has no opposition to the subject FIR being quashed. The complainant, who is present in person in Court today and has been identified by the IO in the subject FIR, states that in view of the above stated amicable resolution, as inscribed in the said compromise dated 06.01.2016, he supports the case of the petitioners herein that the subject FIR be set aside and quashed.

6. There is no gainsaying that the powers of this Court under Article 226 of the Constitution of India are plenary in nature and can be exercised for quashing of an FIR if appropriate circumstances, so warrant.

7. In the present case, it is observed that the offences in the subject FIR do not fall within the exempted categories of serious/heinous offences which ought not to be quashed on the ground of an amicable resolution of the disputes. [Ref. *Gian Singh vs. State of Punjab and Anr.* reported as (2012) 10 SCC 303].

8. In view of the foregoing, the subject FIR No.814/2014, under Sections 427/451/34 IPC, Police Station- Aman Vihar, and the proceedings arising therefrom are set aside and quashed qua the petitioners subject to their depositing a sum of Rs.5,000/- each with the Victims' Compensation Fund, Government of NCT of Delhi, within a period of two weeks from today. Copy of the receipt be provided to the IO in the subject FIR.

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

**SIDDHARTH MRIDUL, J**

**MAY 27, 2016/dk**