

IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of decision: 06.05.2016

W.P.(CRL) 1136/2016 & CRL.M.A. 5968/2016**SAGAR NARULA & ANR**

..... Petitioners

Through: Mr Brijesh Sharma and Mr J.P.Singh,
Advocates.

versus

THE STATE (NCT OF DELHI) & ANR

..... Respondents

Through: Mr R.S.Kundu, Addl. Standing
Counsel (Crl.) with Mr Ankit Gulia,
Advocate for State.

Mr Jaskaran Singh, Advocate for R-2.

ASI Anand Pal Singh, PS- Shalimar
Bagh.

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 of the Code of Criminal Procedure, 1973 (Cr.P.C.)

seeking quashing of FIR No.278/2016, under Sections 394/34 IPC, registered at Police Station- Shalimar Bagh, Delhi.

2. Senseless violence and rage is becoming endemic in Delhi today.

3. The subject FIR is a result of a spontaneous scuffle over a trivial issue. The petitioners are stated to have physically attacked the complainant by giving him fist blows and kicks over a trifle issue.

4. The respondent no. 2/complainant herein, who is present in court today and has been identified by the IO in the subject FIR, namely, ASI Anand Pal Singh, Police Station- Shalimar Bagh, Delhi, states that the misunderstanding that led to the registration of the subject FIR has since been resolved amicably between the parties by way of Memorandum of Settlement/Compromise dated 29.03.2016. The salient terms of the said Memorandum of Settlement/Compromise dated 29.03.2016 are as follows:-

- “1. That the “FIRST PARTY” demanded the total sum of Rs.1,00,000/- (One Lac Only) as compensation and for his whatsoever medical treatment, with commitment to file joint application in the concerned court to Quash the Fir and to resolve the matter.
2. That the “SECOND PARTY” accepted the proposal of “FIRST PARTY” and gave the sum of Rs.50,000/- (Rs. Fifty Thousand Only) in cash to “FIRST PARTY” on the spot on dt. 27.03.2016.

3. That the "FIRST PARTY" hereby acknowledged the receipt of the said amount of Rs.50,000/- (Rs. Fifty Thousand Only) in cash from the "SECOND PARTY".
4. That the "FIRST PARTY" hereby also admits and declare that he has found his sum of Rs.42,000/- along with Gold Chain as alleged by him in FIR, from the spot of occurrence of incident with the "SECOND PARTY", and hereinafter he shall never demand the same from "SECOND PARTY" as the same cash and Gold Chain is in his possession.
5. That on Dt. 29.03.2016 further a sum of Rs.25,000/- (Rs. Twenty Five Thousand only) has been paid to the "FIRST PARTY" by the "SECOND PARTY" out of total settled amount of Rs.one Lac as stated above and the "FIRST PARTY" hereby also acknowledged the receipt of the said amount of Rs.25,000/- (Rs. Twenty Five Thousand only).
6. That it has been decided in between both the Parties that the remaining balance of Rs.25,000/- (Rs. Twenty Five Thousand only) shall be paid by the "SECOND PARTY" to the "FIRST PARTY" at the time of Quashing the FIR in the concerned court after filing the joint petition by both the FIRST and SECOND Parties within day or two.
7. That the "FIRST PARTY" hereby admits on oath that hereinafter he shall never claim/make any further complaint of the matter nor will pursue the said FIR as after the intervention of common respectable known person of the society, he without any outside pressure, with his own wish and will in well sound healthy state of mind has agreed for compromise by virtue of this indenture and hereinafter he shall never blame to anybody for his such act of compromise in any way.
8. That the "FIRST PARTY" hereby also declare that after the instigation of some persons he had lodged the FIR against the "SECOND PARTY".

5. The petitioners in the present petition are young adults and the subject FIR has the potential to blight their fledgling careers.

6. The petitioners, who are also present in Court today, have expressed deep remorse at the incident and assure this Court that there will not be a repetition.

7. In view of the foregoing, since the dispute that led to the registration of the subject FIR has 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.

8. Resultantly, FIR No.278/2016, under Sections 394/34 IPC, registered at Police Station- Shalimar Bagh, Delhi, is hereby set aside and quashed *qua* the petitioners subject to their making themselves available for community service at the Chhote Sahibjaade Gurudwara, Fateh Nagar, Delhi, on every Saturday between 6.00 AM to 10.00 AM for four consecutive weeks. The management of the concerned Gurudwara is requested to utilize the services of the petitioners herein in any manner they deem fit for the said purpose. The management is requested to furnish the IO in the subject FIR, with a report *qua* the conduct and demeanour of the petitioners herein, at the expiry of the aforesaid period of four weeks.

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

SIDDHARTH MRIDUL, J

MAY 06, 2016

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