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IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of decision: 23.05.2016

W.P.(CRL) 1209/2016

KIRTI & ANR ..... Petitioners

Through: Mr. Ravi Tikania, Advocate

versus

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

Through: Ms. Sumi Anand, Advocate for Mr. Avi Singh, ASC (Criminal) with ASI Raj Bahadur, PS- Shalimar Bagh for R-1

Respondent No.2 in person

CORAM:
HON'BLE MR JUSTICE SIDDHARTH MRIDUL

SIDDHARTH MRIDUL, J (ORAL)

CRL.M.A.6329/2016 (Exemption)

Exemption granted subject to all just exceptions.

The application is disposed of accordingly.

W.P.(CRL) 1209/2016

1. The present petition under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973 (Cr.P.C.) seeks quashing of FIR No.167/2012, under Sections 452/341/323/506/34 IPC, registered at Police Station- Shalimar Bagh, Delhi and the proceedings

arising therefrom.

2. The subject FIR came to be registered at the instance of Ms. Sukhbir Kaur, respondent No.2/complainant on an allegation that the petitioners, who are the neighbours of the former, forcibly entered her house and physically assaulted her.

3. Ms. Sukhbir Kaur, respondent No.2/complainant, who is present in Court today and has been duly identified by ASI Raj Bahadur, Police Station- Shalimar Bagh, Delhi states that subsequent to the registration of the subject FIR, better sense has prevailed and the parties to the present petition, who have been neighbours for some period of time, have resolved all their differences amicably.

4. Counsel appearing on behalf of the petitioners states that the cross-FIR bearing No.348/2012, under Section 509 IPC, registered at Police Station- Shalimar Bagh, Delhi registered by petitioner No.1 herein against Ms. Sukhbir Kaur, respondent No.2/complainant herein, has been duly compounded by way of the order dated 12.02.2016 before the concerned Metropolitan Magistrate, M.C., North-West, Rohini, Delhi.

5. In view of the foregoing, so as to enable the parties, who are present before this Court, to continue to reside peaceably as good neighbours, the present FIR and the proceedings arising therefrom, which are the only impediments that remain and may obstruct the attainment of a higher ideal, ought to be quashed.

6. 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]. The offences alleged to have been committed in the subject FIR are private in nature and do not have a serious impact on society.

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

8. Resultantly, the FIR No.167/2012, under Sections 452/341/323/506/34 IPC, registered at Police Station- Shalimar Bagh, Delhi and the proceedings arising therefrom are hereby set aside and quashed *qua* both the petitioners.

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

10. A copy of this order be given *dasti* under the signature of Court Master to counsel for the parties.

SIDDHARTH MRIDUL, J

MAY 23, 2016
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