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

+ CRL.M.C. 1367/2016

SUNIL KUMAR @ KALA & ORS Petitioners

Represented by: Mr. C. Parkash, Adv. with
petitioners.

versus

STATE (NCT OF DELHI) & ORS Respondent

Represented by: Mr. Ashok Kumar Garg, APP
with SI Sandeep Tushir, PS
Prashant Vihar.

Ms. Lata Anand, Adv. for R-2
and 3 with R-2 and 3.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

% **27.10.2016**

By the present petition, the petitioners who are 8 in number seek quashing of complaint case No.381/1 titled Suman Vs. Jai Karan & Ors. pending in the Court of Ms. Kadambri Awasthi, Metropolitan Magistrate, District North at Rohini Courts wherein cognizance has been taken for offences punishable under Sections 308/354/356/323/452/34 IPC against petitioner Nos. 1 to 3, under Sections 354/356/323/452/34 IPC against petitioner No.8 and under Sections 323/34 IPC against petitioner Nos. 4 to 7. Cognizance was also taken against one Jai Karan who died and has thus not been impleaded as petitioner. Copy of the death certificate of Jai Karan is placed on record at page 95 of the paper book. Learned counsel for respondent No.2 on instructions verifies the factum of death of Jai Karan during pendency of the above noted complaint case.

Respondent No.2 who is complainant in the above noted complaint case

along with respondent No.3 who is the other victim are present in Court and identified by learned counsel. They state that they have settled the matter with the petitioners who are members of their extended family with the intervention of friends and they do not wish to pursue the above noted complaint and proceedings pursuant thereto. Petitioners who are present in Court and identified by learned counsel affirm the statement of respondent Nos. 2 and 3 and besides assuring that no such misbehaviour will take place in future to show remorse agree to pay a consolidated sum of ₹20,000/- as costs.

In view of the fact that the parties have amicably resolved their differences of their own free will, volition and without any coercion and no useful purpose will be served in continuance of the proceedings, rather the same would create further acrimony between them, it would be in the interest of justice to quash the abovementioned FIR and the proceedings pursuant thereto. There is no legal impediment in quashing the FIR in question.

Consequently, complaint case No.381/1 titled Suman Vs. Jai Karan & Ors. Which is pending in the Court of Ms. Kadambri Awasthi, Metropolitan Magistrate, District North at Rohini Courts, Delhi and proceedings pursuant thereto are hereby quashed, subject to the petitioners depositing a consolidated amount of ₹20,000/- with the Delhi High Court Staff Welfare Fund within two weeks.

Parties have signed this order sheet in acknowledgment of their statements made before this Court.

The petition is disposed of. Order dasti.

MUKTA GUPTA, J.

OCTOBER 27, 2016/‘v mittal’