

IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of decision: 10.05.2016

W.P.(CRL) 1470/2016 & CRL.M.A. 7660/2016

DIVAKAR PAL @ CHANDAN & ORS

..... Petitioners

Through: Mr Govind Rishi, Advocate.

versus

THE STATE GOVT OF NCT OF DELHI & ANR

..... Respondents

Through: Mr Sanjay Lao, Addl. Standing
Counsel (Crl.) for State.

Respondent No.2 in person.

SI Jagendra Kumar, PS- Model Town.

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.128/2016, under Sections 147/148/149/308/34 IPC, registered at Police Station- Model Town, Delhi.

2. The subject FIR came to be registered on an allegation made by the complainant Jitender to the effect that the petitioners who are first cousins of his wife Anupal, unhappy at their matrimonial alliance, assaulted him at his residence in Rajpura Gurmandi, Delhi, on 28.02.2016.

3. Counsel appearing on behalf of the petitioners invites my attention to the order dated 03.03.2016 in Bail Application No.1856 (*State v. Divakar Pal @ Chandan*) passed by the ASJ/Special Judge (NDPS), North District, Rohini Courts, Delhi, to urge that the family dispute has since been resolved amicably and, therefore, no useful purpose will be served by proceeding with the subject FIR.

4. The complainant Jintender, who is present in person and has been identified by the IO in the subject FIR, namely, SI Jagendra Kumar, PS-Model Town, Delhi, states that the afore-stated position is correct and consequently he does not wish to prosecute the subject FIR any further.

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 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.

8. 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.

9. Resultantly, FIR No.128/2016, under Sections 147/148/149/308/34 IPC, registered at Police Station- Model Town, Delhi, is hereby set aside and quashed qua the petitioners subject to their undertaking to maintain peace and good behaviour for a period of one year.

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

SIDDHARTH MRIDUL, J

MAY 10, 2016

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