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* IN THE HIGH COURT OF DELHI AT NEW DELHI
+ CRL.M.C. 2168/2016
KEWAL KUMAR ARORA & ANR.

..... Petitioner
Through Mr Sarvesh Kumar, Adv. alongwith petitioners
in person
versus
STATE & ORS.

..... Respondent
Through Mr Mukesh Kumar, Additional Public
Prosecutor for the State alongwith Sub Inspector
Pawan Singh Police Station Krishna Nagar,
Delhi
R2 to 4 in person

CORAM:
HON'BLE MS. JUSTICE SUNITA GUPTA

ORDER
% 31.05.2016

Crl. MA 9175/2016 (exemption)

Exemption allowed subject to all just exceptions.

The application stands disposed of.

Crl. MC 2168/2016

This is a petition u/s 482 Cr.P.C. moved by the petitioners for quashing of FIR No.443/2013 registered at Police Station Krishna Nagar, Delhi under Ss.452/323/506/34 IPC and consequent proceedings emanating therefrom on the ground that the parties have compromised the matter.

It is submitted by counsel for the petitioners that the respondent no.1 lodged a complaint against the petitioners alleging that the house of the petitioners are adjacent to the house of the respondent nos. 2 to 4. The petitioners were carrying on construction of their house for about nine months and during the course of construction the complainant talked with the petitioner no.2 regarding repair of seepage etc caused to his house due to construction activities by the petitioners. On the date of incident at about 10 am, the respondent no.2 asked the petitioner no.1 to get the house repaired on which the petitioner no.1 started abusing the respondent no.2 and extended threat. It was also alleged that the petitioners entered forcefully in the house of the respondent nos. 2 to 4 alongwith hockey sticks and started beating the respondents by fist blows and ran away. On the complaint of the respondent no.2, the instant FIR was lodged. The petitioner no.1 also lodged a complaint against the respondent nos. 2 to 4. Now, the petitioners and the respondent nos. 2 to 4 have settled the matter and entered into a compromise deed dated

18.05.2016 which is annexed to the petition at pgs. 39 – 41. It is, therefore, prayed that the instant FIR be quashed.

The respondent Nos.2 to 4/complainant, who are present in person (duly identified by the Investigating Officer of the case) submit that they have amicably resolved all disputes with the petitioners as both the parties are neighbours and wants to live peacefully. They further state that they have settled the matter with the petitioners voluntarily without there being any threat, coercion or pressure of any sort and in view of the settlement arrived at between the parties, they do not want any action against the petitioners and have no objection to quashing of the instant FIR.

Mr Mukesh Kumar, Additional Public Prosecutor for the State submits that in view of the settlement arrived at between the parties, he has no objection to quashing of FIR but since the State machinery has been set in motion on account of acts of the petitioners, they be burdened with some costs.

Keeping in view the facts that the parties have compromised the matter with each other amicably being neighbours, this matter deserves to be given a quietus as continuance of proceedings arising out of the FIR in question would be an exercise in futility and wastage of precious time of the Court.

Accordingly, the petition is allowed and the FIR No.443/2013 registered at Police Station Krishna Nagar, Delhi under Ss.452/323/506/34 IPC and consequent proceedings emanating therefrom are hereby quashed subject to cost of Rs.20,000/- to be deposited by the petitioners with Delhi High Court Mediation & Conciliation Centre within two weeks. Receipt of deposit be placed on record.

The petition stands disposed of accordingly.

A copy of this order be given *dasti* to counsel for the petitioners.

SUNITA GUPTA, J

MAY 31, 2016/*rd*