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

+ W.P.(CRL) 1757/2016
JOGINDER AND ORS.

Through

..... Petitioner
Mr.Vikas Yadav and Ms.Upma Yadav,
Advocates along with the petitioners in
person

versus

SURINDER SINGH AND ORS.

Through

..... Respondent
R-1&2 in person
Respondent No.3/complainant in person
Mr.Aditya Swarup Aggarwal for Mr.
Rahul Mehra, Standing counsel for R-
4/State along with SI Vivek Malik, PS
Vasant Kunj

CORAM:

HON'BLE MS. JUSTICE SUNITA GUPTA

ORDER

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30.05.2016

Crl.M.A.No.9134/2016 (exemption)

Exemption allowed subject to all just exceptions.

The application stands disposed of.

W.P.(Crl.) No.1757/2016

1. This is a petition under Article 226 of the Constitution of India r/w u/s 482 Cr.P.C. moved by the petitioners for quashing of FIR No.257/2016 registered at PS Vasant Kunj, North Delhi under Sections 323/341/354/354(B)/354D/506/34 IPC & Section 8 of POCSO Act and consequent proceedings emanating therefrom on the ground that the parties have compromised the matter.

2. The brief facts of the case, as per the complainant, are that the accused are family members of the complainant. On 20th April, 2016, the

accused persons had beaten respondent Nos. 1 to 3 and abused and sexually assaulted respondent No.2&3. On complaint of respondent No.3, aforesaid FIR was registered against the petitioners. A cross FIR No. 256/2016 was also got registered against respondent No.1 to 3 on the complaint of petitioner No.4 u/s 323/354(B)/506/34 IPC with Police Station Vasant Kunj, North. The basic dispute between the parties to the present petition was with respect to the partition of their ancestral property which resulted into a scuffle and, therefore, present FIRs were registered by the parties against each other.

3. It is submitted by counsel for the petitioners that during the pendency of the abovesaid case, with the intervention of family members and respectable members of the society, the petitioners and respondent Nos.1to 3 have amicably settled and compromised all the disputes among themselves with their own free will and without any undue influence, force, pressure or coercion of any kind. The parties have entered into Memorandum of Understanding dated 30th April, 2016, copy of which has been placed on record at pgs.35-40. The partition has taken place and the parties are now residing in their respective portion of the property. It is, therefore, prayed that the present FIR be quashed.

4. The respondent No.3/complainant, who is present in person (duly identified by the Investigating Officer of the case) submits that she has amicably resolved all disputes 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, she does not want any action against the petitioners and does not have any objection to quashing of the instant FIR.

5. Mr. Aditya Swarup Aggarwal, Advocate appearing on behalf of State submits that in view of the settlement arrived at between the parties,

he has no objection to quashing of FIR.

6. Keeping in view the facts that the parties have compromised the matter with each other amicably, 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.

7. Accordingly, the petition is allowed and the FIR No.257/2016 registered at PS Vasant Kunj, North Delhi under Sections 323/341/354/354(B)/354D/506/34 IPC & Section 8 of POCSO Act and consequent proceedings emanating therefrom are hereby quashed subject to payment of Rs.20,000/- as costs which be deposited by the petitioners with Juvenile Justice Board within two weeks from today. Copy of receipt of deposit of costs 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 30, 2016

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