

IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of decision: 3rd June, 2016

W.P.(CRL) 1853/2016**VIPIN SHARMA**

..... Petitioner

Through: Mr Anil Kumar Singh, Advocate.

versus

THE STATE (GOVT. OF N.C.T. OF DELHI) & ANR. RespondentsThrough: Ms Kamna Vohra, Addl. Standing
Counsel (Crl.).ASI Mahendra Pal, PS- New
Usmanpur.**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 seeking quashing of FIR No.1397/2015, under Section 323/308/34 IPC, registered at Police Station- New Usmanpur, Delhi.

2. The subject FIR came to be registered on a complaint made by respondent No.2- Neeraj Sharma against the petitioner- Vipin Sharma, who is married to his sister, alleging therein that when he along with his brother, mother and neighbor, namely, Manish Sharma, Maya Devi and Kuldeep Giri respectively, visited the petitioner's house, they were physically assaulted

after heated exchange of words.

3. It is further an admitted position that the injured, namely, Manish Sharma and Kuldeep Giri, are opined in the MLC to have received simple injuries.

4. The complainant as well as the injured who are present in person and have been identified by ASI Mahendra Pal, PS- New Usmanpur, say in unison that subsequent to the registration of the subject FIR the parties, who are close relatives, have resolved the underlying dispute that led to it registration.

5. The terms of the aforesaid amicable resolution are enshrined in a settlement deed/compromise deed dated 30.05.2016 which is annexed to the present petition as Annexure P-2 (collectively). The salient terms of the said settlement deed/compromise deed dated 30.05.2016 are as follows:-

“Whereas, on 14/12/2015, some misunderstanding took place between the first party and the second party and the second party approached the police officials in this regard and accordingly, the police officials lodged an FIR bearing No.1397/15, U/s 323/308/34 IPC at Police New Usmanpur, Delhi on 15/12/2015 and even a cross FIR on the complaint of the first party was also registered against the second party vide FIR No.1396/15, U/s 308/452/506/34 IPC at P.S. New Usmanpur, Delhi. However, it is pertinent to mention here that due to the intervention of the respectable persons of the

society, the matter was itself sorted out between the parties on the date of incident itself, but it has been reduced into writing today.

That now, the family members, relatives and well-wishers of the parties sit across the table and settlement took place between the parties with a view to maintain cordial relations and as such the second party/complainant is ready to take back his all allegations leveled against the first party and to make necessary statement to quash the FIR in question.

That since all the disputes between the parties have been amicably settled, the second party does not wish any further action against the first party.

The present settlement/compromise deed is being entered into by and between the parties without any fear, pressure, coercion etc. from any corner and they have executed the same with their own freewill and consent and both of them shall comply the terms and conditions of the present compromise.”

6. Parties state that pursuant to the aforesaid amicable resolution, cordial relations between them have resumed and no useful purpose will be served by proceeding with the subject FIR.
7. In view of the foregoing, since the dispute between the parties, which arose out of a marital discord, has been settled amicably 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. Consequently, FIR No.1397/2015, under Section 323/308/34 IPC,

registered at Police Station- New Usmanpur, Delhi, is hereby set aside and quashed *qua* the petitioner

9. The writ petition is allowed and disposed of accordingly.

SIDDHARTH MRIDUL, J

JUNE 03, 2016

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