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

+ **CRL.M.C. 2452/2016**

NITESH KUMAR & ANR

..... Petitioner

Represented by: Mr. Rakesh Nautiyal, Adv.

versus

THE STATE (NCT OF DELHI) & ANR

..... Respondent

Represented by: Mr. Hirein Sharma, APP with
SI Rajesh Kumar PS Begum
Pur.

Mr. Anil Kumar, Adv. for
R-2&3.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

07.10.2016

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By the present petition the petitioners seek quashing of FIR No. 773/2014 under Sections 308/323/34 IPC registered at PS Begum Pur, Delhi on the complaint of Respondent No.2 on the ground that the parties have settled the matter.

Learned APP for the State on instructions from Investigating Officer submits that in the above-noted FIR besides the complainant/ respondent No.2 there was one more victim i.e. his brother Ravi Kumar who has also now been impleaded as respondent No.3 by the amended memo of parties. He further states that besides the two petitioners there is no other accused.

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The above-noted FIR was registered when the petitioners went for repair of the car of petitioner No.2 to respondent No.2. After the car was repaired instead of paying the full amount due they started misbehaving and assaulted the petitioners resulting in the registration of above-noted FIR.

The respondent No. 2 and 3 who are present in Court and are identified by the learned counsel and the investigating officer state that since the petitioners have apologised to them and assure that no such misbehaviour will take place in future they do not wish to pursue the above-noted FIR and the proceedings pursuant thereto.

Petitioners who are present in Court tender their unqualified apology for the misbehaviour conducted and assure that they will indulge in no such incident in future. They will compensate the respondent No.2 and 3 for the medical expenses and the trauma caused by paying sum of ₹10,000/- within one week receipt whereof will be placed on record.

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. They also assure that to tender their unqualified apology they will deposit a consolidated sum of ₹25,000/- with the Prime Minister's Relief Fund within two weeks.

Consequently, FIR No. 773/2014 under Sections 308/323/34 IPC registered at PS Begum Pur, Delhi and proceedings pursuant thereto are hereby quashed subject to the petitioners paying a sum of ₹10,000/- to the respondent No.2 and 3 and depositing a sum of ₹25,000/- with the Prime Minister's Relief Fund within two weeks, receipt whereof will be placed on record.

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 07, 2016
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