

#21 & 22

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

Date of decision: February 04, 2015

+ W.P.(CRL) 250/2016

POOJA SHARMA

..... Petitioner

Through: Mr. Rajmangal Kumar, Advocate
along with petitioner

versus

STATE (NCT OF DELHI) & ANR.

..... Respondents

Through: Mr. Rahul Mehra, Standing Counsel
(Crl.) with Mr. Jamal Akhtar, Adv.
Mr. Naman Gauba, Advocate for R-2
along with respondent no. 2
SI Sachin Kumar, P.S. Vasant Vihar

+ CRL.M.C. 5185/2013 and Crl. MA No. 18666/2013 (Stay)

RAJEEV CHHABRA

..... Petitioner

Through: Mr. Naman Gauba, Advocate along
with petitioner

versus

STATE & ANR.

..... Respondents

Through: Ms. Radhika Kolluru, APP for State
Mr. Rajmangal Kumar, Adv. for R-2
along with respondent no. 2
SI Sachin Kumar, P.S. Vasant Vihar

CORAM:

HON'BLE MR JUSTICE SIDDHARTH MRIDUL

SIDDHARTH MRIDUL, J (ORAL)

1. Writ Petition (Criminal) No. 250/2016 is a petition under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973 (hereinafter referred to as 'the Code') seeking quashing of FIR No. 419/2012, under Sections 186/353/323/332/341/34 IPC registered at Police Station- Delhi Cantt., Delhi and the proceedings arising therefrom.
2. Criminal M.C. No. 5185/2013 is a petition under Section 482 of the Code of Criminal Procedure, 1973 praying for setting aside and quashing of the impugned order dated 25th November, 2013 passed by learned Metropolitan Magistrate, Patiala House Courts, New Delhi whereby the application filed on behalf of the complainant- Ms. Pooja Sharma in CC No. 266/01/13 under Section 156(3) of the Code was allowed by the learned Metropolitan Magistrate.
3. Ms. Pooja Sharma (petitioner in W.P. (Crl.) 250/2016) and Mr. Rajeev Chhabra (petitioner in Crl.MC No. 5185/2013) instituted the subject proceedings against each other after an altercation took place as a consequence of a collision between their respective vehicles and subsequent injuries.
4. Counsel for the parties state that with the aid and intervention of Delhi High Court Mediation and Conciliation Centre, Delhi, the altercation that led

to the institution of the respective proceedings has been settled amicably by and between the parties by way of a Settlement Agreement dated 18th January, 2016. The salient terms and conditions of the afore-stated settlement are as follows:-

- “a) That both the parties are not interested in pursuing their respective matters i.e. CC NO. 266/01/13 under Section 156(3) Cr.P.C. pending before the Ld. Magistrate at Patiala House Courts, New Delhi and FIR No. 419/2012 under Sections 323/341/34 IPC registered at PS Vasant Vihar, Delhi. The parties are witness to the offences alleged under Section 186, 332 and 353 IPC and in view of the settlement between the parties the Hon’ble Court may consider quashing the FIR No. 419/2012 u/s 186, 353, 332, 223, 341 and 34 IPC.
- b) That the first party states that the above said FIR No. 419/2012 was filed in the heat of moment and the second party states that the complaint under Section 156(3) of Cr.P.C. was filed as a counter to the said FIR and they have resolved the matter amicably against themselves with the intervention of their family from both the sides.
- c) That both the parties agree that no useful purpose will be served in continuing with the matters relating to FIR No. 419/2012 and complaint under Section 156(3) of Cr.P.C. as they themselves are not interested in pursuing the said matters.

- d) That the second party shall file an appropriate petition within three days of this settlement agreement for quashing of the FIR No. 419/2012 under Article 226 and Section 482 Cr.P.C. The first party shall render necessary assistance for filing of the said petition. The first party shall give no objection to the Hon'ble High Court for quashing of the FIR No. 419/2012.
- e) The second party undertakes to give no objection to the Hon'ble High Court for quashing of the criminal complaint being CC No. 266/01/13 under Section 156(3) Cr.P.C. pending before the Ld. Magistrate at Patiala House Courts, New Delhi.
- f) The parties agree and undertake that the FIR No. 419/2012 with P.S. Vasant Vihar, Delhi and the criminal complaint being CC No. 266/01/13 under Section 156(3) Cr.P.C. pending before the Ld. Magistrate at Patiala House Courts, New Delhi shall be got quashed simultaneously.”

5. In a nutshell, it has been agreed by and between Ms. Pooja Sharma (petitioner in W.P. (Crl.) 250/2016) and Mr. Rajeev Chhabra (petitioner in Crl.MC No. 5185/2013) that they shall withdraw the complaints instituted by each of them *inter alia* against the others.

6. Ms. Pooja Sharma and Mr. Rajeev Chhabra, the protagonists in the two petitions are present in Court today and have been identified by the Investigating Officer in the subject FIR namely SI Sachin Kumar, Police

Station- Vasant Vihar as well as by their respective counsel, state that in view of the amicable resolution of the dispute as afore-stated, they are no longer keen to proceed with the subject proceedings.

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 institution of the subject proceedings has been settled by and between the parties amicably before the Delhi High Court Mediation and Conciliation Centre, Delhi by way of a Settlement Agreement dated 18th January, 2016 without any undue influence, pressure or coercion; and the settlement between the parties is lawful, no useful purpose will be served by proceeding with the subject FIR and the proceedings arising therefrom.

9. Resultantly, the FIR No. 419/2012, under Sections 186/353/323/332/341/34 IPC registered at Police Station- Delhi Cantt., Delhi and the proceedings arising therefrom are hereby set aside and quashed *qua*

Ms. Pooja Sharma, the petitioner in Writ Petition (Criminal) No. 250/2016. The impugned order dated 25th November, 2013 in Crl. MC No. 5185/2013 passed by learned Metropolitan Magistrate, Patiala House Courts, New Delhi is also set aside and quashed.

10. Ms. Pooja Sharma (petitioner in W.P. (Crl.) 250/2016) and Mr. Rajeev Chhabra (petitioner in Crl.MC No. 5185/2013) shall, however, deposit a sum of Rs. 5,000/- each with the Victims' Compensation Fund within a period of two weeks from today. A copy of the receipt thereof shall be provided to the Investigating Officer in the subject FIR.

11. With the above directions, the Writ Petition (CRL) 250/2016 and CRL. MC 5185/2013 are allowed and disposed of accordingly.

12. The pending application being Crl. MA No. 18666/2013 (for stay) in Crl. MC No. 5185/2013 also stands disposed of.

SIDDHARTH MRIDUL, J

FEBRUARY 04, 2015
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