

§-46 & 51

* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ CRL.M.C. 3436/2016 & CrI.M.A.14537/2016

RAMJI LAL CHAUHAN & ORS

..... Petitioners

Through : Mr. A. K. Singh, Adv. with petitioners
in person.

versus

STATE (NCT OF DELHI) & ANR

..... Respondents

Through : Mr. Izhar Ahmad, APP with SI Vinod
PS Sarita Vihar.
Mr. Satish Kumar, Adv. for R-2 with
R-2 in person.

AND

+ W.P.(CRL) 2732/2016

KRISHAN AVTAR PANDEY

..... Petitioner

Through : Mr. Satish Kumar, Adv. with petitioner
in person.

versus

STATE (NCT OF DELHI) & ANR

..... Respondents

Through : Mr. Ashish Aggarwal, ASC for R-1
with SI Vinod PS Sarita Vihar.
Mr. A. K. Singh, Adv. for R-2 with R-2
in person.

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

%

19.09.2016

By the above noted petitions, petitioners have prayed for quashing of the
following cases:-

(a) Complaint case bearing CC No.1048/1/13 under Sections
323/354/451/506/34 IPC relating to jurisdiction of police station Sarita
Vihar, pending before the court of Ms. Shiwani Chauha, MM/Mahila
Court (South East), Saket Courts, New Delhi.

(b) FIR No.64/2013 under Sections 420/465/468/471 IPC registered at

2

police station Sarita Vihar.

On an oral prayer made by the learned counsel for the petitioners, Mr. Deshvir Singh (accused no.3 in the complaint) is impleaded as respondent no.3 in CrI.M.C.No.3436/2016. Late Shri Bhim Singh (arrayed as accused no.1 in the complaint) has died during the trial. Amended memo of parties be filed during the course of day.

Respondent no.2 Smt. Kamlesh Pandey had filed the criminal complaint mentioned at serial no.(a), against the petitioners, respondent no.3 and Late Shri Bhim Singh, that is, father of Sh.Rajesh, who is respondent no.2 in W.P.(CrI.) No.2732/2016. Petitioners and respondent no.3 were summoned under Sections 354/323/506/451/34 IPC. Pre charge evidence is still in progress.

As regards FIR mentioned at serial no.(b) is concerned, same has been registered on the complaint of Rajesh against Krishan Avtar Pandey, who is the husband of Kamlesh Pandey.

Parties to the complaint case were referred to the Mediation Centre, Saket Courts, New Delhi where they have settled the disputes involved in the complaint case as also in the FIR on 12th February, 2016. Respondent no.3/Deshvir Singh was not before the Mediation Centre, however, Kamlesh Pandey states that she does not wish to pursue the complaint against him as

well. A copy of the proceedings of Mediation Centre has been placed on record.

In terms of the settlement, Rajesh has paid ₹2,00,000/- to Kamlesh Pandey vide a demand draft, a copy whereof has been placed on record in W.P.(Crl.) 2732/2016.

Keeping in mind the fact that parties have settled their disputes before the mediation centre, in the interest of justice, complaint case bearing CC No.1048/1/13 under Sections 323/354/451/506/34 IPC relating to jurisdiction of police station Sarita Vihar pending before the court of Ms. Shiwani Chauhan, MM/Mahila Court (South East), Saket Courts, New Delhi as well as the FIR No.64/2013 under Sections 420/465/468/471 IPC registered at police station Sarita Vihar, as mentioned at serial nos.(a) & (b) hereinabove, are quashed.

Both the petitions are disposed of in the above terms. Miscellaneous application is disposed of as infructuous.


A.K. PATHAK, J.

SEPTEMBER 19, 2016/dk