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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(CRL) 2947/2016**
LALA RAM GUPTA & ORS Petitioners
Through : Mr. Deepak Kohli, Adv.
versus
STATE & ANR Respondents
Through : Ms. Nandita Rao, ASC with SI
Ranveer Singh PS Vasant Vihra for
R-1.
Ms. Gurmeet Kapur, Adv. for R-2
with R-2 in person.

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

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19.10.2016

Petitioner has filed this writ petition for quashing of FIR No. 226/2015 under Sections 186/353/506/34 IPC registered at P.S. Vasant Vihar, on the complaint of respondent no.2, against the petitioners. As per the FIR, respondent no. 2 was on duty at Vasant Vihar Traffic Circle on 22nd February, 2015 and at about 4:05 PM, he gave indication to stop one vehicle bearing registration No. DL 1LV 1460 to check the papers of the driver, that is, petitioner no.1, who told that he was not carrying papers with him. Respondent no.2 asked him to bring papers at which petitioner no.1 tried to put money in the pocket of respondent no.2, which act was resisted by him. In the meanwhile, petitioner no.2 came there and told respondent no.2 that he

had made a video of handing over of the money. Thereafter, they started quarrelling with the respondent no. 2 and scuffled with him.

It is noted that on the complaint of Ms. Suman Gupta, wife of petitioner no.3, FIR No.227/2015 under Sections 506/509 IPC was registered at police station Vasant Vihar against the respondent no.2, relating to the same incident, which is involved in this case. However, the said FIR has been quashed by a bench of coordinate jurisdiction vide order dated 4th October, 2016 passed in W.P. (Crl.) No.2928/2016 in view of the settlement arrived at between the respondent no.2, petitioners and Ms. Suman Gupta.

Learned additional standing counsel has opposed the quashing of present FIR. She has placed reliance upon the order dated 23rd December, 2015 passed by a learned single judge of Punjab and Haryana High Court in CRM-M-37551-2015 (O&M) titled as Amrik Singh & Ors. Vs. State of Punjab & Anr., wherein it has been observed that since FIR was lodged by the Head Constable and Investigating Agency had registered the case, the Head Constable could not have entered into the compromise on behalf of the state, without being authorized by the police department to enter into a compromise with the petitioner. It was further observed that compromise, was, otherwise of no avail, in view of the nature of allegations. In the said case, petitioner

had assaulted the Head Constable in the police station and had torn his uniform while he was conducting the investigation on the direction of Station House Officer.

In the present case, I am of the view that FIR can be quashed, in the interest of justice, since respondent no.2 is not willing to pursue the FIR any further in view of the compromise arrived at between him and petitioners, Ms. Suman Gupta, wife of petitioner no.3 and pursuant whereof, FIR No.227/2015 has already been quashed. The said FIR was also outcome of the present incident. Respondent no.2 has availed the benefit of the compromise by getting the FIR quashed against him in view of the compromise. In these facts and circumstances continuance of present criminal proceedings against the petitioners will put them in a disadvantageous position.

Keeping in mind the totality of the facts and circumstances, the present FIR No. 226/2015 under Sections 186/353/506/34 IPC registered at P.S. Vasant Vihar is quashed.

Petition is disposed of in the above terms.

A.K. PATHAK, J.

OCTOBER 19, 2016/dk