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

+ **W.P.(CRL) 2830/2016**

DURGA PRASAD & ORS

..... Petitioner

Represented by: Mr. C.B. Garg, Mr. Manish
Kumar, Advs.

versus

STATE & ANR

..... Respondent

Represented by: Mr. Avi Singh, ASC with Mr.
Ananya Mohan, Adv. with ASI
Zile Singh PS Rajender Nagar.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

26.09.2016

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CrI.M.A. 15140/2016

Exemption allowed subject to just exceptions.

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By the present petition the petitioners seek quashing of FIR No. 159/2016 under Sections 323/354/509/34 IPC registered at PS Rajinder Nagar, Delhi on the complaint of Respondent No.2 on the ground that the parties have settled the matter.

Learned Additional Standing Counsel for the State on instructions from Investigating Officer submits that in the above-noted FIR the four petitioners are the accused and respondent No.2 the complainant/ victim and respondent No.3 the other victim. He states that no other person is involved.

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Respondent No. 2 and 3 are present in Court and are identified by the Investigating Officer. They state that they have settled the matter with the Petitioners and do not want to pursue the abovementioned FIR and the proceedings pursuant thereto. The above-noted FIR was registered pursuant to the misbehaviour of petitioner No.3 and 4 wherein petitioner No.1 and 2 the parents of petitioner No.3 also supported him on the issue of parking of car by the respondent No.2. Petitioner No.3 admits that he does the job of ironing on a gali in the area where the incident took place. Admittedly the gali is a public property and not owned by the petitioner No.3 and he himself has no right to be encroaching on that area illegally. Besides encroaching in the area illegally the petitioner No.3 and 4 also misbehaved resulting in the registration of the above-noted FIR.

Showing repentance on their conduct and stating that having apologised to the respondents No.2 and 3 the petitioners assure that they will not indulge in any such misbehaviour with any one in future.

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.

Consequently, FIR No. 159/2016 under Sections 323/354/509/34 IPC registered at PS Rajinder Nagar, Delhi and proceedings pursuant thereto are hereby quashed subject to the petitioner No.3 and 4 both depositing a sum of ₹10,000/- each with the Juvenile Justice Fund maintained by the Registrar General of this Court within a period of two weeks.

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.

SEPTEMBER 26, 2016
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