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

+ W.P.(CRL) 2815/2016

AJAY

..... Petitioner

Through :Mr. M. Hasibuddin, Adv. with
petitioner in person.

versus

STATE (GOVT OF NCT OF DELHI) & ORS Respondents

Through :Ms. Mallika Parmar, Adv. for Ms.
Kamna Vohra, ASC with ASI Kuldeep
Singh, P.S. Neb Sarai for respondent
no. 1
Mr. Binay K. Das, Adv. for respondent
nos. 2 to 4

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

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19.10.2016

On the complaint of respondent no. 2, present FIR no. 521/2016 under Sections 308/34 IPC was registered at Police Station Neb Sarai. A perusal of FIR shows that petitioner and respondent no. 2 were known to each other. A quarrel took place between them on 17th June, 2016 on some trivial matter of wrong parking of scooter by the petitioner in front of shop of respondent no. 2. In the incident, petitioner along with his friends is stated to have given beatings to the respondent nos. 2, 3 and one Pankaj. Respondent nos. 2, 3

and Pankaj had sustained simple injuries. Pankaj has not been impleaded as his address is not available. On 26th September, 2016 SI Bhagwan, Police Station Neb Sarai stated that he will bring Pankaj in Court on the next date. SI Bhagwan is present in Court and submits that he contacted Pankaj on his mobile No. 8826656618 and informed him that the matter is listed today in Court. He told him to come to police station to accompany him to the court. However, Pankaj told him that he will reach the Court directly. Pankaj declined to give his address to him.

Respondent nos. 2 to 4 state that they have settled the matter with the petitioner, with the intervention of their common friends, and do not wish to pursue the FIR any further. Similar statement was made by them on 18th July, 2016 before the Additional Sessions Judge – 03 (South), Saket Court, New Delhi, during the hearing of Bail Application No. 3288/2016. Pankaj was also present with them in Court on that day and this fact has been recorded in the order dated 18th July, 2016 of the Additional Sessions Judge in the following manner:-

“Complainant Vijay Pal along with other injured persons, namely, Pankaj, Manoj and Tejpal are present. Complainant Vijay Pal and injured Pankaj, Manoj and Tejpal have been identified by

the IO. These persons say that the matter has been settled with the accused and they have no objection if bail is granted to the accused.”

In view of this statement of the respondent nos. 2 to 4 and Pankaj, anticipatory bail was granted to the petitioner.

Respondent nos. 2 to 4 reiterate before this Court that they have settled the matter and do not wish to pursue the FIR any further. Keeping in mind the totality of circumstances, in my view, no fruitful purpose would be served to keep the criminal proceedings pending, in view of the compromise entered into between the petitioner and complainant/injured persons. Accordingly, FIR no. 521/2016 under Sections 308/34 IPC was registered at Police Station Neb Sarai, which is at the investigation stage, is quashed.

Petition is disposed of in the above terms. Dasti.

A.K. PATHAK, J.

OCTOBER 19, 2016

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