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

+ **W.P.(CRL) 2870/2016**

BABUL NATH & ORS

..... Petitioners

Through: Mr. Hemant Goel, Adv. along with
petitioners in person.

versus

STATE & ANR

..... Respondents

Through: Mr. Avi Singh, ASC with Mr. Ananya
Mohan, Adv. along with SI Rahul,
P.S. Seema Puri.

Respondent no. 2 in person.

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

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29.09.2016

Crl. M.A. 15353/2016

Allowed, subject to all just exceptions.

Application is disposed of.

W.P. (Crl.) 2870/2016

On the complaint of respondent no.2, present FIR No. 1379/2015 under Section 394/34 IPC was registered at police station Seemapuri. Petitioners and respondent no.2 are neighbours. It appears that a quarrel ensued between them on some trivial matter on 27th November, 2015 at about 10 pm wherein respondent no. 2 has alleged that Babul Nath, his sons- Ravi and Dinesh and one Suraj Nath gave beatings to him. Ravi, Dinesh

and Suraj Nath were under the influence of liquor. They also snatched a gold chain and ₹12,000/- from the respondent no.2. FIR was registered on 30th September, 2015 though the incident took place on 27th September, 2015. Respondent no. 2 has alleged in the FIR that he did not make the complaint immediately after the incident as he wanted to compromise the matter with the petitioners.

It is submitted that petitioners and respondent no.2 have now settled their disputes amicably vide compromise deed dated 28th May, 2016. Respondent no.2 is present in Court and has been identified by SI Rahul of police station Seemapuri. Respondent no.2 submits that he has already received his gold chain and money. However, there is no reference of return of gold chain and money in the compromise deed.

Learned ASC for the State submits that Ravi s/o Babul Nath has been mentioned in the FIR as one of the assailants, however, he has not been impleaded in the present petition. Babul Nath/petitioner no.1 is present in Court and submits that he does not have any son by the name of Ravi. He submits that name of his sons are Dinesh, Mahesh and Ramesh. He further submitted that Suraj Nath/petitioner no.3 is his brother. In the compromise deed Suraj Nath has been shown as son of Babu Nath. Respondent no. 2

also submits that Ravi is not son of petitioner no.1. He further submits that no person by the name of Ravi was present and his name was given out of confusion.

Be that as it may, in view of the settlement arrived at between the parties who are neighbours and want to maintain harmonious relations in future, no fruitful purpose would be served in keeping the present criminal proceedings pending. Accordingly, FIR No. 1379/2015 under Section 394/34 IPC registered at police station Seemapuri, which is at the investigation stage, is quashed.

Writ petition is disposed of in the above terms.

A.K. PATHAK, J.

SEPTEMBER 29, 2016

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