

\$~24

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

+ **CRL.M.C. 3939/2016**

VARUN @ MANNU & ORS

..... Petitioner

Represented by: Mr. I.A. Alvi, Adv. with P-2
and 3.

versus

STATE (GOVT OF NCT OF DELHI) & ORS Respondent

Represented by: Mr. Ashok Kumar Garg, APP
with SI Ashok Kumar,
AHTU/West Delhi.
Mr. Vinay Modi, Adv. for R-2
and 3 with R-2 and 3.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

14.12.2016

%

By the present petition, the petitioners seek quashing of FIR No.70/2009 under Sections 325/324/34 IPC registered at PS Uttam Nagar on the complaint of R-2 and proceedings pursuant thereto on the ground that parties have settled the matter.

A settlement was arrived at between the parties before Delhi Mediation Centre, Tis Hazari Court whereafter the Court compounded the offence punishable under Sections 325/34 IPC however the trial continues as regards Section 324 IPC which is not compoundable. Hence the present petition.

Petitioner No.1 though on bail in the present case is in custody in other cases. On a query put by this Court as to the involvement of petitioner

No.1, it has been informed that he is involved in as many as six cases wherein Section 307 IPC has been invoked and two more cases cases wherein Section 302 IPC has been invoked.

Considering the propensity of petitioner No.1, this Court is not inclined to quash the present FIR in terms of settlement arrived at between the parties qua petitioner No.1. Further since petitioner Nos. 2 and 3 are also co-accused and in a trial where accused are involved with the aid of Sections 34 and 120B IPC, quashing of present FIR qua one would hamper the trial against other accused, this Court is not inclined to quash the FIR against petitioner Nos. 2 and 3 also.

Petition is dismissed.

MUKTA GUPTA, J.

DECEMBER 14, 2016
‘v mittal’