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

+ CRL.M.C. 4078/2016

BIJENDER SINGH

..... Petitioner

Through: Mr.Ashwani Tyagi, Adv.

versus

STATE (NCT OF DELHI)

..... Respondent

Through: Mr.Panna Lal Sharma, APP for State
with PSI Jainind Kumar, Police
Station-Kalyanpuri
Mr.Amit Kumar Dubey, Adv. for R-2
& R-3.

CORAM:

HON'BLE MR. JUSTICE I.S.MEHTA

ORDER

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02.11.2016

This is a petition under Section 482 Cr.P.C. for quashing of FIR No.359/2011, under Sections 307/323/341/506/34 IPC, registered at Police Station-Kalyanpuri, Delhi and all the proceedings emanating therefrom.

Counsel for the petitioner submits that the petitioner is residing at H.No.5/467, Khidipur, Delhi, respondent No. 2 is a resident of H.No. 3/30, Khidipur Village, Delhi and respondent No.3 is a resident of H. No.18/26, Kalyanpuri, Delhi. He further submits that respondent No.2 is the neighbour of the petitioner. He has further submitted that due to misunderstanding arisen between the parties, a quarrel has taken place which led to the registration of FIR No.359/2011, under Sections 307/323/341/506/34 IPC, at Police Station-Kalyanpuri, Delhi. Counsel for the petitioner has further submitted that thereafter with the help of near relatives and friends, the matter has been settled. He has further submitted that the incident took place due to the misunderstanding and as per FIR, no knife or pistol/revolver were used to

attract the provision of Section 307 IPC. Counsel for the petitioner has further submitted that mere filing of charge sheet under Section 307 IPC *ipso facto* will not attract the commission of the offence under Section 307 IPC. He has further submitted that it is a minor incident and since the matter has already been settled between the petitioner and the respondent No.2 who is a neighbour and to maintain good relationship of the neighbours, it has become necessary to quash the present proceedings.

Both the injured Mr.Vicky Sharma and Mr.Lalit are present in Court today and are identified by the Investigating Officer, SI Jainind Kumar of P.S. Kalyanpuri.

On instructions, learned counsel for both the injured/respondent Nos.2 & 3 has submitted that the respondent No.2 is the neighbour of the petitioner. He has further submitted that they have settled the matter amicably with the present petitioner just to lead better future life and to maintain good relation in near future and submitted that they have got no objection if the present FIR is quashed against the petitioner.

Learned APP for the State opposes the quashing of the present FIR and submits that charge sheet has already been filed and charge has been framed and the injury is grievous.

The compromise deed entered between the parties is of 29th September, 2016. The compromise deed indicates that the matter has been settled for cause of better relationship between the parties who are neighbours which is reproduced as under:-

- “1. That the matter has been settled between the parties and both parties under take to co-operate each other in quashing of present FIR bearing no. 359/2011, PS Kalyanpuri, U/s 307/323/34 IPC.*
- 2. That the Second Party undertakes that he shall cooperate to first*

party in quashing the above mentioned FIR and he further undertakes that he shall make his necessary statement before Hon'ble High Court for quashing the FIR bearing No.359/2011, U/sec. 307/323/341/506/34 IPC, Police Station Kalyan Puri, in favour of the first party.

3. *That both the parties have left no grievances against each other and their respective family members.*

4. *That it has also been agreed between both the parties that this settlement is full and final and both parties undertake not to file any case/complaint/suit/petition against each other and shall be entitled to lead their life independently and both the parties shall not interfere in the life of each other and family members.*

5. *That the settlement has been voluntarily arrived between the parties with their own free will and without any force, pressure or coercion and both parties are bound on the terms and conditions herein above. The contents of the settlement have been explained to the parties in vernacular and they have understood the same and have admitted the same to be correct."*

The matter has been settled between the parties amicably without any pressure and with the intervention of near relatives and friends. This court finds that the aforesaid settlement is in the interest of the parties as well as the society at large to achieve peace in the neighbourhood, consequently, FIR No.359/2011, under Sections 307/323/341/506/34 IPC, registered at Police Station-Kalyanpuri, Delhi and all the proceedings emanating therefrom are quashed.

The present petition is disposed of accordingly.

I.S.MEHTA, J

NOVEMBER 02, 2016/radhika