

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

**Date of decision: 05<sup>th</sup> January, 2016**

**W.P.(CRL) 2743/2015 & CRL.M.A. 17446/2015**

**SAGAR & ANR**

..... Petitioners

Through: Mr Vishal Raj Sehijpal and Mr Farooq  
Chaudhary, Advocates.

Versus

**STATE NCT OF DELHI & ORS**

..... Respondents

Through: Mr Rahul Mehra, Standing Counsel  
(Crl.) with Mr Jamal Akhtar,  
Advocate.

Mr Varun Agarwal and Ms Meenakshi  
Joshi, Advocates for R-2, R-3 & R-4.

**CORAM:**

**HON'BLE MR JUSTICE SIDDHARTH MRIDUL**

**SIDDHARTH MRIDUL, J (ORAL)**

1. The present is a petition under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973 seeking

quashing of FIR No.1014/2015 under Sections 392/394/397/34 IPC registered at Police Station- Jahangir Puri, New Delhi.

2. As per the prosecution on 08.11.2015 the petitioners are alleged to have accosted the complainant and his brother and allegedly brandished a gun so as to coerce the latter to part with their money and valuables. However, the complainant as well as his brother who was injured at the time of the commission of the alleged offence, are present in court and state that the altercation was the consequence of a dispute over the management of a committee.

3. It is an admitted position that the alleged weapon used during the commission of the alleged offence has not been recovered.

4. The complainant as well as his injured brother, who suffered simple injuries, are present in court and have been identified by their counsel Mr Varun Agarwal, Advocate. They state that the dispute that led to the altercation which is the subject matter of the present FIR has been amicably resolved.

5. In view of the above it is urged that no useful purpose shall be served by proceeding with the subject FIR. The decision of the Supreme Court in

*Gian Singh vs. State of Punjab and Another* reported as (2012) 10 SCC 303 has been canvassed in support of this contention.

6. In the present case it is noticed that subsequent to the altercation that led to the registration of the present FIR, the petitioners herein who were also injured during the scuffle were arrested from Babu Jagjivan Ram Hospital, Jahangir Puri, on the same day. They have been in judicial custody since then and have been produced in court today.

7. The offence alleged to have been committed by the petitioners, in my view, does not fall within the category of heinous and serious offences where the proceedings cannot be quashed even though the victim or the victim's family and the alleged offenders have settled the dispute. In my opinion the present offence is private in nature and does not have a serious impact on society at large.

8. In view of the foregoing, the subject FIR No.1014/2015 under Sections 392/394/397/34 IPC registered at Police Station- Jahangir Puri, New Delhi is hereby set aside and quashed qua the petitioners subject to their doing community service at the Hanuman Mandir, Connaught Place, New Delhi every day for an hour between 8 a.m. to 9 a.m. for the next two weeks. The SHO of the concerned Police Station shall ensure

compliance of the present order and file a report in this behalf at the expiry of the period of two weeks.

9. With the above directions the writ petition is disposed of.

*Dasti.*

**SIDDHARTH MRIDUL, J**

**JANUARY 05, 2016**

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