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

Date of decision: 18th January, 2016

+ W.P.(CRL) 134/2016 and Crl. MA No. 822/2016 (Exemption)

SUSHIL SHARMA & ORS Petitioners
Through Mr. Prashant Jain, Advocate along
with petitioners

versus

STATE OF NCT OF DELHI & ANR Respondents
Through Ms. Nandita Rao, Addl. Standing
Counsel (Crl.)
Head Constable Vijay, P.S. New
Usmanpur
Resp. no.2/complainant in-person

**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. 1124/2014, under Sections 452/323/34 IPC registered at Police Station- New Usmanpur, Delhi and the proceedings arising therefrom.
2. The subject FIR came to be registered on an allegation made on behalf of the complainant – Asma, the respondent no. 2 herein to the effect that the

petitioners being part of an inspection team of the BSES Yamuna Power Ltd. had trespassed into her house and assaulted her.

3. It is an admitted position that at the instance of the BSES Yamuna Power Ltd., an FIR has been registered against the husband of the complainant herein.

4. The complainant- Asma, who is present in Court today and has been identified by Head Constable Vijay, Police Station- New Usmanpur, Delhi, states that with the intervention of respectable members of the society, the dispute between the parties has been resolved amicably. An affidavit of Asma in support of the present petition has been annexed to the present petition as Annexure P-3 in this behalf.

5. In a nutshell, it has been agreed by and between the parties that the cross FIRs referred to hereinabove shall be withdrawn by the respective parties.

6. In the present case, it is observed that the offences in the subject FIR do not fall within the exempted categories of serious/heinous offences which ought not to be quashed on the ground of an amicable resolution of the disputes. [Ref. *Gian Singh vs. State of Punjab and Anr.* reported as (2012)

10 SCC 303]. The offences alleged to have been committed in the subject FIR are private in nature and do not have a serious impact on society.

7. In view of the foregoing, since the dispute that led to the registration of the subject FIR has been settled between the parties amicably without any undue influence, pressure or coercion, no useful purpose will be served by proceeding with the subject FIR and the proceedings arising therefrom.

8. Resultantly, the FIR No. 1124/2014, under Sections 452/323/34 IPC registered at Police Station- New Usmanpur, Delhi and the proceedings arising therefrom are hereby set aside and quashed qua all the petitioners subject to each of the petitioners depositing a sum of Rs. 5,000/- each with the Victims' Compensation Fund within a period of two weeks from today. A copy of the receipt thereof shall be provided to the Investigating Officer in the subject FIR.

9. With the above said directions, the writ petition is allowed and disposed of accordingly.

SIDDHARTH MRIDUL, J

JANUARY 18, 2016
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