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

+ CRL.M.C. 714/2017 & CrI.M.A. 3023/2017 (stay)

ARVIND KUMAR & ANR.

..... Petitioner

Represented by: Mr. M. Shamikh, Adv.

versus

STATE & ANR.

..... Respondent

Represented by: Mr. Ashok Kr. Garg, APP with
SI Ashwani, PS Pandav Nagar.
R-2 in person.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

08.05.2017

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By the present petition the petitioners seek quashing of FIR No. 387/2012 under Sections 448/380/308/34 IPC registered at PS Pandav Nagar, Delhi on the complaint of Respondent No.2 and the proceedings pursuant thereto on the ground that the parties have settled the matter.

Learned APP for the State on instructions from Investigating Officer submits that in the above-noted FIR the two petitioners are the only accused and respondent No.2 the only complainant. He states that when information of the incident was received by the Police and it reached the spot the petitioners also misbehaved with the Police officers for which a separate FIR has been registered, which is not the subject matter of the present petition. He further states that in the above-noted FIR the respondent No.2 is the only victim.

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Respondent No. 2 is present in Court and is identified by the Investigating Officer. He states that he has settled the matter with the petitioners and does not wish to pursue the above-noted FIR and the proceedings pursuant thereto. He states that pursuant to the registration of FIR recoveries were made from the petitioners which included the cash amount and other articles of the respondent No.2 duly seized vide seizure memos dated 12th September, 2012 and 13th September, 2012 which are lying with the Police. The same be released to him.

The petitioners who are present in Court and are identified by the learned counsel affirm the statement of respondent No.2. While tendering their unqualified apology they assure that no such misbehaviour will take place in future. To show remorse they undertake to pay cost. They further state that they have no objection if the money and goods seized vide seizure memos dated 12th and 13th September, 2012 are released to the respondent No.2.

In view of the fact that the parties have amicably resolved their differences of their own free will, volition and without any coercion and no useful purpose will be served in continuance of the proceedings, it would be in the interest of justice to quash the abovementioned FIR and the proceedings pursuant thereto. There is no legal impediment in quashing the FIR in question.

Consequently, FIR No. 387/2012 under Sections 448/380/308/34 IPC registered at PS Pandav Nagar, Delhi and proceedings pursuant thereto are hereby quashed subject to the petitioners depositing a cost of ₹25,000/- each with the Juvenile Justice Fund maintained by the Registrar General of this

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Court within four weeks. The investigating officer is directed to release to the respondent No.2/ complainant money and goods seized vide the two seizure memos dated 12th and 13th September, 2012.

Parties have signed this order sheet in acknowledgment of their statements made before this Court.

Petition and application are disposed of. Order dasti.

MUKTA GUPTA, J.

MAY 08, 2017
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