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

+ **W.P.(CRL) 584/2017**

HARISH & ORS.

..... Petitioners

Through: Mr. Mahipal Singh, Advocate.

versus

STATE & ORS.

..... Respondents

Through: Ms. Richa Kapoor, ASC and
Ms.Seema Patnaha, Advocate along
with SI Anuj Yadav, PS-Chhawla, for
the State.

CORAM:
HON'BLE MR. JUSTICE VIPIN SANGHI

ORDER
23.02.2017

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Issue notice. Ms. Kapoor accepts notice on behalf of the State.

Respondent No.2/ complainant is present and he also accepts notice.
He has been identified by the I.O.

The petitioners have preferred the present writ petition to seek quashing of case FIR No.288/2016 under Sections 325/ 506/ 34 IPC at PS – Chhawla. Respondent No.2 is the complainant, and his younger brother (minor at the time of incident in question) is the victim.

Ms. Kapoor has pointed out that under Section 320(4)(a) IPC, any person competent to contract on behalf of the minor, with the permission of

the Court, can compound the offence. Since respondent No.2/ complainant is the elder brother, Ms. Kapoor has raised doubts in this respect. However, the complainant states that both his parents are dead and he is the guardian of his minor brother. This Court is, therefore, satisfied that respondent No.2 who is the complainant and elder brother of the victim, is competent to enter into the settlement.

Learned counsel for the petitioners, on instructions, submits that to express their remorse and to atone for their conduct and the fact that the victim was a minor, the petitioners are ready & willing to compensate the victim and also to pay such reasonable costs as this Court may consider appropriate.

The victim/ Vijay is also present and he states that he has already turned 18 years of age and he also has no objection to the FIR and the proceedings arising therefrom being quashed.

Accordingly, subject to payment of costs of Rs.30,000/- in the name of Vijay in the form of pay order drawn in favour of the victim, and deposit of another Rs.20,000/- in the Prime Minister's National Relief Fund within two weeks, the FIR and the proceedings arising therefrom are quashed. Once the receipt of costs and proof of payment of amount to the victim is provided to the IO, the FIR shall be closed.

VIPIN SANGHI, J

FEBRUARY 23, 2017

B.S. Rohella