

S-2 & 3

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

+ W.P.(CRL) 732/2016

DHARMENDER SINGH CHAUHAN & ORS ..... Petitioners

Through: Mr. Vikram Gujral, Advocate with  
petitioners in person

versus

STATE (GOVT OF NCT OF DELHI) & ANR ..... Respondents

Through: Mr. Rajesh Mahajan, ASC for the  
State/R-1 with Ms. Jyoti Babbar,  
Advocate with SI Arvind Kumar, PS  
Jaitpur

**AND**

+ W.P.(CRL) 3372/2016

SHAHZAD MALIK & ORS. .... Petitioners

Through: Petitioners in person except P-4

versus

THE STATE (NCT OF DELHI) & ANR. .... Respondents

Through: Mr. Avi Singh, ASC for the State/R-1  
with SI Arvind Kumar, PS Jaitpur  
Mr. Vikram Gujral, Advocate for R-2

**CORAM:**

**HON'BLE MS. JUSTICE PRATIBHA RANI**

**ORDER**

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**23.11.2017**

1. The above captioned two writ petitions have been filed by the petitioners praying for quashing of two cross FIRs No.880/2015 under Sections 379/354/323/506/34 IPC & 878/2015 under Sections 379/452/323/506/34 IPC and the consequential proceedings arising

W.P.(CRL) 732/2016 & W.P.(CRL) 3372/2016

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therefrom on the basis of settlement arrived at between the parties.

2. On 24<sup>th</sup> November, 2016, learned counsel for the petitioners in W.P.(Crl.) No.732/2016 sought adjournment to implead victim as a party in the petition.

3. Today learned counsel for the petitioners in W.P.(Crl.) No.732/2016 has placed on record amended memo of parties impleading victim as a party.

4. W.P.(Crl.)732/2016 has been filed by the petitioners namely Dharmender Singh Chauhan, Anil Kumar Chauhan, Sunil Kumar @ Kale, Kamal Chauhan, Bheem Chauhan & Dharmender Chaudhary praying for quashing of FIR No.880/2015 under Sections 379/354/323/506/34 IPC registered at PS Jaitpur, Delhi.

5. W.P.(Crl) 3372/2016 has been filed by the petitioners namely Shahzad Malik, Sabed Malik, Saleem Khan, Mustakim & Minnatullah praying for quashing of FIR No.878/2015 under Sections 379/452/323/506/34 IPC registered at PS Jaitpur, Delhi.

6. Case FIR No.878/2015 under Sections 379/452/323/506/34 IPC PS Jaitpur, Delhi has been registered on the basis of complaint made by Dharmender Singh Chauhan, son of Ranjit Singh Chauhan in respect of the incident that took place on 15<sup>th</sup> December, 2015.

7. Cross FIR No.880/2015 under Sections 379/354/323/506/34 IPC PS Jaitpur, Delhi has been registered on the basis of complaint made by Smt.Raj, wife of Ram Kishan, in respect of the same incident that took place on 15<sup>th</sup> December, 2015.

8. All the parties except petitioner No.4, Mustakim in W.P.(Crl.) 3372/2016, are present in person alongwith their respective counsel.

9. Learned counsel for the petitioners submits that petitioner No.4,

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Mustakim in W.P.(Crl.) 3372/2016 could not appear today as he is lodged in jail outside Delhi.

10. Learned counsel for the parties submit that the parties are relatives/neighbours and residents of the same locality. A quarrel had taken place between them on 13<sup>th</sup> December, 2015 over a petty issue.

11. It is submitted that during the pendency of the FIRs in question, with the intervention of common friends, well wishers and respectable members of the locality, both the parties arrived at an amicable settlement. The parties have placed on record the Memorandum of Understanding dated 18<sup>th</sup> November, 2016.

12. Learned counsel for the parties submit that since the parties have settled their dispute amicably, no purpose would be served by continuing the criminal proceedings against the petitioners.

13. On behalf of the State, it is submitted that some cost must be imposed on the parties for wasting the precious time of the Court and using the State machinery.

14. In view of the legal position laid down in *Gian Singh v State of Punjab & Anr. 2012 (9) SCALE 257* and amicable settlement arrived at between the parties, I am of the considered view that no useful purpose would be served by continuing the criminal proceedings against the petitioners, which will only be an exercise in futile and wastage of precious time of the Court.

15. However, in the facts and circumstances of the case, it is desirable that the petitioners must be burdened with cost. Accordingly, the petitioners of all the two petitions are directed to deposit the cost of ₹25,000/- per case with the "Army Central Welfare Fund" at Director, Accounts Section, Room

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No.281B, Ceremonial and Welfare Directorate, Adjutant General's Branch, South Block, Integrated HQ of MoD (Army), New Delhi, within six weeks from today and proof thereof shall be placed on record.

16. Accordingly, both these two petitions are allowed. The FIRs i.e. FIR No.878/2015 under Sections 379/452/323/506/34 IPC and FIR No.880/2015 under Sections 379/354/323/506/34 IPC, both registered at PS Jaitpur, Delhi are hereby quashed. The Parties shall remain bound by the terms and conditions of the Memorandum of Understanding arrived at between the parties.

17. A copy of this order be sent to the Director, Accounts Section, Room No.281B, Ceremonial and Welfare Directorate, Adjutant General's Branch, South Block, Integrated HQ of MoD (Army), New Delhi for information.

Order *dasti*.

  
PRATIBHA RANI, J.

NOVEMBER 23, 2017

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