

S-1 to 5

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

+ W.P.(CRL) 1254/2016

SURENDER & ORS

..... Petitioners

Through: Mr. Jaidev, Advocate

versus

THE STATE & ANR

..... Respondents

Through: Mr. Avi Singh, ASC for the State with
SI Prabhakaran & ASI Manvir Singh,
PS Chhawla
Mr. Vinod Kumar, Advocate for R-2.**AND**

+ W.P.(CRL) 1255/2016

HARI KISHAN JAKHAR & ORS

..... Petitioners

Through: Mr. Vinod Kumar, Advocate

versus

THE STATE & ANR

..... Respondents

Through: Ms. Kamna Vohra, ASC for the State
with SI Prabhakaran & ASI Manvir
Singh, PS Chhawla**AND**

+ W.P.(CRL) 1256/2016 ✓

HARI KISHAN JAKHAR & ORS

..... Petitioners

Through: Mr. Vinod Kumar, Advocate

versus

THE STATE & ORS

..... Respondents

Through: Ms. Kamna Vohra, ASC for the State
with SI Prabhakaran & ASI Manvir
Singh, PS Chhawla

AND

+ W.P.(CRL) 1259/2016

KRISHAN & ANR

..... Petitioners

Through: Mr.Jaidev, Advocate

versus

THE STATE & ORS

..... Respondents

Through: Ms.Kamna Vohra, ASC for the State
with SI Prabhakaran & ASI Manvir
Singh, PS Chhawla
Mr.Vinod Kumar, Advocate for R-2.

AND

+ W.P.(CRL) 1265/2016

DEEPAK JAKHAR & ORS

..... Petitioners

Through: Mr.Vinod Kumar, Advocate

versus

THE STATE & ANR

..... Respondents

Through: Mr.Avi Singh, ASC for the State with
SI Prabhakaran & ASI Manvir Singh,
PS Chhawla

CORAM:

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

%

08.11.2017

1. The above captioned five writ petitions under Article 226 of Constitution of India read with Section 482 Cr.P.C. have been filed by the petitioners praying for quashing of five cross FIRs and the consequential proceedings arising therefrom on the basis of settlement arrived at between the parties.

2. W.P.(CRL) 1254/2016 has been filed by the petitioners namely Surender, Krishan, Narender, Dharmbir, Surender, Ankit, Rakesh @ Bhallu, Vipin and Vinod praying for quashing of FIR No.278/2013 under Sections 323/354/506/34 IPC registered at PS Chhawala, New Delhi.
3. W.P.(CRL) 1255/2016 has been filed by the petitioners namely Hari Kishan Jakhar, Hari Ram Jakhar, Ved Prakash, Deepak and Hemand @ Himanshu praying for quashing of FIR No.58/2014 under Sections 323/354/452/34 IPC registered at PS Chhawala, New Delhi.
4. W.P.(CRL) 1256/2016 has been filed by the petitioners namely Hari Kishan Jakhar, Deepak Jakhar, Hari Ram Jakhar, Ved Prakash, Himanshu Jakhar, Sunil Kumari, Krishna Devi and Raj Dulari praying for quashing of FIR No.279/2013 under Sections 323/342/379/506/34 IPC registered at PS Chhawala, New Delhi.
5. W.P.(CRL) 1259/2016 has been filed by the petitioners namely Krishan and Surender Singh praying for quashing of FIR No.272/2013 under Sections 323/341/354/506/34 IPC registered at PS Chhawala, New Delhi.
6. W.P.(CRL) 1265/2016 has been filed by the petitioners namely Deepak Jakhar, Hari Kishan Jakhar, Hari Ram Jakhar, Ved Prakash, Himanshu Jakhar, Sunil Kumari, Krishna Devi and Raj Dulari praying for quashing of FIR No.273/2013 under Sections 323/341/506/34 IPC registered at PS Chhawala, New Delhi.
7. Case FIR No.278/2013 under Sections 323/354/506/34 IPC, PS Chhawala, New Delhi has been registered on the basis of complaint made by Sunil Kumari, wife of Sh.Hari Kishan in respect of the incident that took place on 27th August, 2013.

12

8. Case FIR No.58/2014 under Sections 323/354/452/34 IPC, PS Chhawala, New Delhi has been registered on the basis of complaint made by Usha, wife of Ramesh in respect of the incident that took place on 7th February, 2014.

9. Case FIR No.279/2013 under Sections 323/342/379/506/34 IPC, PS Chhawala, New Delhi has been registered on the basis of complaint made by Surender Singh in respect of the incident that took place on 27th August, 2013.

10. Case FIR No.272/2013 under Sections 323/341/354/506/34 IPC, PS Chhawala, New Delhi has been registered on the basis of complaint made by 22nd August, 2013.

11. Case FIR No.273/2013 under Sections 323/341/506/34 IPC, PS Chhawala, New Delhi has been registered on the basis of complaint made by Dharambir in respect of incident that took place on 22nd August, 2013.

12. Parties are present in person alongwith their respective counsel.

13. Learned counsel for the parties submit that the parties are relatives/neighbours and residents of the same village. The main cause for dispute between the parties is over a piece of land which is situated in their village.

14. Learned counsel for the parties further submit that civil litigations were also pending between the parties in respect of the said plot. It is submitted that during the pendency of the FIRs in question, the parties arrived at an amicable settlement. The parties have placed on record the Deed of Settlement dated 8th November, 2017.

15. Learned counsel for the parties submit that since the parties have settled their dispute amicably and no purpose would be served by continuing

the criminal proceedings against the petitioners.

16. On behalf of the State, it is submitted that currently the trend emerging is to initiate criminal proceedings on petty issues so some cost must be imposed on the parties for wasting the precious time of the Court and using the State machinery.

17. 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.

18. However, in the facts and circumstances of the case, it is desirable that the petitioners must be burdened with cost. Accordingly, the complainants of all the five FIRs are directed to deposit the cost of ₹25,000/- each with the "Army Central Welfare Fund" at Director, Accounts Section, Room No.281B, Ceremonial and Welfare Directorate, Adjutant General's Branch, South Block, Integrated IIQ of MoD (Army), New Delhi, within one week from today and proof thereof shall be placed on record.

19. Accordingly, all the five petitions are allowed. The FIRs i.e. FIR No.278/2013 under Sections 323/354/506/34 IPC; FIR No.58/2014 under Sections 323/354/452/34 IPC; FIR No.279/2013 under Sections 323/342/379/506/34 IPC; FIR No.272/2013 under Sections 323/341/354/506/34 IPC and FIR No.273/2013 under Sections 323/341/506/34 IPC, all registered at PS Chhawala, New Delhi are hereby quashed. The Parties shall remain bound by the terms and conditions of the Deed of Settlement arrived at between the parties.

14

20. 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 08, 2017

'hkaur'