

\$~11/55

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

+ **W.P.(CRL) 818/2017**

JAGDISH MALHOTRA & ORS

..... Petitioners

Through

: Mr. Amit Sahni, Mr. Vaibhav Mishra
and Ms. Anju Vaid, Advs.

versus

STATE (GOVT OF NCT OF DELHI) & ORS

..... Respondents

Through

: Ms. Megha Bahl, Adv. for Mr. Avi
Singh, ASC for the State
Complainant in person.

AND

+ **W.P.(CRL) 814/2017**

BODH RAJ CHOPRA & ORS.

..... Petitioners

Through

: Mr. Amit Sahni, Mr. Vaibhav Mishra
and Ms. Anju Vaid, Advs.

versus

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

..... Respondents

Through

: Ms. Kamna Vohra, ASC
Complainant in person.

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

%

25.07.2017

By these petitions, accused persons (petitioners in both the FIRs) have
prayed for quashing of the following FIRs:-

(a) FIR No. 592/2016 under Sections 3(10) of the Scheduled Castes and Tribes (Prevention of Atrocities) Act, 1989 registered at P.S. Lajpat Nagar on the complaint of Ram Avtar (respondent no. 2 in WP(Crl.) No. 814/2017 and petitioner no. 9 in WP(Crl.) no. 818/2017.

(b) FIR No. 136/2016 under Sections 323/341/354/506/509/34 IPC registered at P.S. Lajpat Nagar on the complaint of respondent no. 2 Ms. Rita Chopra in W.P.(Crl.) No. 818/2017.

Shri Bodh Raj Chopra, Shri Gautam Malhotra and Shri Sahil Chopra are respondent nos. 3 to 5 in WP(Crl.), no. 818/2017 and petitioner nos. 1, 2 and 4 in WP(Crl.) no. 814/2017. Shri Bodh Raj Chopra is the husband of Smt. Rita Chopra. Accused persons and complainants are known to each other and they are living in the same locality. A quarrel appears to have taken place between them on some trivial matter, which resulted in registration of both the aforesaid FIRs.

It is submitted that accused persons and complainants, in both the FIRs, have amicably settled their disputes in order to maintain harmonious relations in future and they are not willing to pursue the FIRs any further; therefore, same may be quashed. A perusal of record shows that two deeds of settlement have been entered into between the parties; one is dated 15th

4

March, 2017 and other is dated 9th March, 2017. Both the deeds of settlement have been placed on record. Complainants/victims in both the aforesaid FIRs are present in Court and have been identified by SI Manvender Singh, P.S. Lajpat Nagar. They say that they have settled the matter of their own free will and without any undue force, coercion and pressure and they are not willing to pursue their respective FIRs any further.

Vide judgment dated 6th November, 2015 passed in CrI. M.C. No. 3871/2015 titled Ankita Saini vs. The State (NCT of Delhi) & Ors., a Bench of coordinate jurisdiction has quashed the FIR wherein provisions of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocity) Act, 1989 were involved. In para 6, it was held as under:-

“As discussed above, offence punishable under Section 3 (X) of the SC & ST (POA) Act, 1989 is not compoundable being of serious nature, however, if the Court feels that continuation of criminal proceedings will be an exercise in futility and justice in this case demands that the dispute between the parties is put to an end and peace is restored, it can order for quashing of the FIR or criminal proceedings as it is the duty of the Court to prevent continuation of unnecessary judicial process.”

5
Similarly, vide order dated 25th August, 2014 passed in Crl. M.C. No. 3779/2014 titled Basant Kumar Mishra & Anr. vs. The State & Anr. and order dated 18th December, 2015 passed in Crl. M.C. No. 3649/2015 titled Om Prakash Sharma & Ors. vs. State & Anr, FIRs under the aforesaid provisions were permitted to be quashed, in view of the settlement arrived at between the parties.

Keeping in view of the facts and circumstances of this case, more particularly the fact that cross FIRs have been registered, arising out of the same incident, in the interest of justice, both the aforesaid FIRs and the consequent proceedings emanating therefrom are quashed, in view of the settlement.

Both the writ petitions are disposed of in the above terms. Dasti.

4

A.K. PATHAK, J.

JULY 25, 2017
rb