

S-2 to 4

* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ CRL.M.C. 1801/2016

VAZKUR & ORS.

..... Petitioners

Through: Mr.Ravish Roshan & Mr.Kumar
Nikhil, Advocates with Petitioner
Nos.1, 2 and 4 in person

versus

STATE & ORS.

..... Respondents

Through: Mr.Kewal Singh Ahuja, APP for the
State with Inspector Sanjeev Kumar
SHO PS Harsh Vihar, SI Varun
Kumar & ASI Suphal Ram PS Harsh
Vihar
Mr.K.K.Tyagi, Advocate for R-2 &
R-3 with R-2 & R-3 in person

AND

+ W.P.(CRL) 1206/2016

NASEEM AHMAD & ORS

..... Petitioners

Through: Mr.K.K.Tyagi, Advocate with
petitioners in person

versus

STATE OF NCT OF DELHI & ORS

..... Respondents

Through: Mr.Jamal Akhtar, Advocate for
Mr.Rahul Mehra, St.Counsel for the
State with Inspector Sanjeev Kumar
SHO PS Harsh Vihar, SI Varun
Kumar & ASI Suphal Ram PS Harsh
Vihar
Mr.Anil V Katarki & Mr.Anil
Nishani, Advocates for R-3 to R-4

AND

CRL.M.C. No.1801/2016, W.P.(Crl) Nos.1206/2016 & 1225/2016

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+ W.P.(CRL) 1225/2016

NASEEM AHMAD & ORS

..... Petitioners

Through: Mr.K.K.Tyagi, Advocate with
petitioners in person

versus

THE STATE GOVT OF NCT OF DELHI & ORS Respondents

Through: Mr.Avi Singh, ASC for the State with
with Inspector Sanjeev Kumar SIO
PS Harsh Vihar, SI Varun Kumar &
ASI Suphal Ram PS Harsh Vihar
Mr.Anil V Katarki & Mr.Anil
Nishani, Advocates for R-2 to R-3

CORAM:

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

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15.11.2017

1. The above captioned three petitions have been filed by the petitioners praying for quashing of two cross FIRs No.642/2015 & 643/2015 and FIR No.69/2016 and the consequential proceedings arising therefrom on the basis of settlement arrived at between the parties.
2. On the last date of hearing, subject to deposit of cost of ₹5,000/- with Delhi High Court Legal Services Committee, last and final opportunity was granted to the petitioners for ensuring the matters to be addressed.
3. Today learned counsel for the petitioners has placed on record receipt of deposit of cost of ₹5,000/- with Delhi High Court Legal Services Committee.

4. CrI.M.C. 1801/2016 has been filed by the petitioners namely Vazkur, Afhatab Aalam, Nadeem and Rashid praying for quashing of FIR No.642/2015 under Sections 308/427/34 IPC registered at PS Harsh Vihar, Delhi.
5. W.P.(CrI) 1206/2016 has been filed by the petitioners namely Naseem Ahmad, Javed Ali, Sajid Ali and Waseem Khan praying for quashing of FIR No.0643/2015 under Sections 308/34 IPC registered at PS Harsh Vihar, Delhi.
6. W.P.(CrI) 1225/2016 has been filed by the petitioners namely Naseem Ahmad, Mohd.Tahir, Umed Khan @ Vedi, Javed and Parvej praying for quashing of FIR No.0069/2016 under Sections 308/324/341/427/34 IPC registered at PS Harsh Vihar, Delhi.
7. Case FIR No.642/2015 under Sections 308/427/34 IPC, PS Harsh Vihar, Delhi has been registered on the basis of complaint made by Naseem, son of Umed Ali in respect of the incident that took place on 18th December, 2015.
8. Cross FIR No.0643/2015 under Sections 308/34 IPC registered at PS Harsh Vihar, Delhi has been registered on the basis of complaint made by Nadeem, son of Vajkur in respect of the same incident that took place on 18th December, 2015.
9. Case FIR No.0069/2016 under Sections 308/324/341/427/34 IPC registered at PS Harsh Vihar, Delhi has been registered on the basis of complaint made by Shariq, son of Ramjani in respect of the incident that took place on 14th February, 2016.
10. All the parties except petitioner No.3, Nadeem in CrI.M.C.1801/2016; respondent No.4, Asha in W.P.(CrI.)1206/2016 and respondent No.3, Abid

in W.P.(Crl.)1225/2016 are present in person alongwith their respective counsel.

11. Learned counsel for the petitioners submits that petitioner No.3, Nadeem in Crl.M.C.1801/2016 could not appear today due to fracture in leg and respondent No.4, Asha in W.P.(Crl.)1206/2016 is his wife, who is taking care of him at home. As far as respondent No.3, Abid in W.P.(Crl.)1225/2016 is concerned, he is admitted in Max Hospital. Learned counsel for the petitioners has also placed on record necessary documents in support of his submissions in respect of non-appearance of the above persons.

12. Learned counsel for the parties submit that the parties are relatives/neighbours and residents of the same locality. A quarrel has taken place between them on 18th December, 2015 over a petty issue.

13. 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 Settlement Deed dated 16th February, 2016.

14. 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.

15. 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.

16. 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.

17. 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 three petitions are directed to deposit the cost of ₹10,000/- 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 HQ of MoD (Army), New Delhi, within four week from today and proof thereof shall be placed on record.

18. Accordingly, all the three petitions are allowed. The FIRs i.e. FIR No.0642/2015 under Sections 308/427/34 IPC; FIR No.0643/2015 under Sections 308/34 IPC and FIR No.0069/2016 under Sections 308/324/341/427/34 IPC, all registered at PS Harsh Vihar, Delhi are hereby quashed. The Parties shall remain bound by the terms and conditions of the Deed of Settlement arrived at between the parties.

19. 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 15, 2017

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