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

+ W.P.(CRL) 2577/2016

SATENDER KUMAR & ORS

..... Petitioners

Through: Mr.Vivek Singh, Advocate

versus

STATE (NCT OF DELHI) & ORS

..... Respondents

Through: Ms.Kamna Vohra, ASC for the State
with HC Satender PS Mehrauli

AND

+ W.P.(CRL) 2579/2016

NARENDER KUMAR HASIJA & ORS

..... Petitioners

Through: Mr.Vivek Singh, Advocate

versus

STATE (NCT OF DELHI) & ORS

..... Respondents

Through: Ms.Kamna Vohra, ASC for the State
with HC Sanjay Kumar PS Mehrauli

CORAM:

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

27.10.2017

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1. By way of these writ petitions filed under Article 226 of the Constitution of India read with Section 482 of Cr.P.C., the petitioners are seeking quashing of FIR No.3045/2015 under Sections 354/509/323/34 IPC and FIR No.3034/2015 under Sections 354/354-B/506/323 IPC both registered at PS Mehrauli and consequential proceedings arising therefrom,

W.P.(CRL) 2577/2016 & 2579/2016

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on the basis of settlement arrived at between the parties.

2. Briefly stating, case FIR No. 3034/2015 has been registered at PS Mehrauli on the basis of complaint made by the complainant (respondent No.2 in W.P.(Crl.) 2579/2016) to the effect that on 11th November, 2015 at about 11 p.m. during Diwali festival, her neighbours (the petitioners in W.P.(Crl.)2579/2016) were burning crackers. When she objected they did not adhere to her request and continued to burn crackers. Subsequently, they started throwing crackers on her terrace and trespassed into her house. They also hit her son and husband with the stick. When she and her daughter tried to stop them, they started misbehaving with her as well as her daughter and also tore their clothes. The matter was reported to the police and on the basis of above statement, the FIR in question has been registered on 12th November, 2015 against the petitioners.

3. It is mentioned in W.P.(Crl.) 2577/2016 that cross FIR No.3045/2015 under Sections 354/509/323/34 IPC has been got registered on 13th November, 2015 at PS Mehrauli on the basis of the complaint made by the complainant/respondent No.2 in W.P.(Crl.)2577/2016 stating therein that on the night of Diwali i.e. 11th November, 2015 at 10.30 pm. when she went to lock the door of her house, her neighbour, Satinder Kumar (petitioner No.1 in W.P.(Crl.)2577/2016), who was drunk, used foul language with her and entered into her house. He along with his son also gave beatings to her.

4. It is further mentioned in the petitions that parties have arrived at an amicable settlement out of their own free will. The copy of Compromise Deed has been annexed with the petitions.

5. Petitioners as well as complainants of both the FIR are present in person with their respective counsel. Learned counsel for the

petitioners/complainants submit that after the matter in dispute has been amicably settled between the parties, no purpose would be served in prosecuting the petitioners, therefore the FIR in question and criminal proceedings emanating therefrom may be quashed.

6. 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.

7. 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.

8. However, in the facts and circumstances of the case, it is desirable that the petitioners must be burdened with cost. Accordingly, the complainants of both the 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 HQ of MoD (Army), New Delhi, within four weeks from today and proof thereof shall be placed on record.

9. Accordingly, both the petitions are allowed and FIR No.3045/2015 under Sections 354/509/323/34 IPC and FIR No.3034/2015 under Sections 354/354-B/506/323 IPC both registered at PS Mehrauli and consequential proceedings arising therefrom are hereby quashed.

10. A copy of this order be sent to the 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 for information.

Order *dasti*.


PRATIBHA RANI, J.

OCTOBER 27, 2017

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