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

+ CRL.M.C. 253/2017

VICKY & ORS

..... Petitioner

Represented by: Mr. Iikram Singh with Mr.
Siddharth Chaudhary, Advs.
with petitioners.

versus

STATE (GOVT OF NCT OF DELHI) & ORS Respondent

Represented by: Mr. Ashok Kumar Garg, APP
with SI Sumit Kumar, PS
Kalyanpuri.
Mr. Ajay Kumar, Adv. for R-2
& 3.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

18.04.2017

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By the present petition the petitioners seeks quashing of FIR No.445/2012 under Sections 308/323/34 IPC registered at PS Kalyan Puri, Delhi on the complaint of Respondent No.2 and the proceedings pursuant thereto on the ground that the parties have settled the matter.

Learned APP for the State on instructions submits that in the above noted FIR, four petitioners are the only accused and respondent No.2 the complainant/victim, respondent No.3 the other victim and besides respondent Nos. 2 and 3 one Rahul @ Thaily is also a victim who was beaten however he has not been impleaded as a party.

Learned counsel for the petitioners has handed over an amended memo of parties impleading Rahul @ Thaily which is taken on record.

Respondent Nos. 2 to 4 who are present in Court and identified by

learned counsel and the investigating officer state that they have settled the matter with the petitioners vide memorandum of understanding duly notarized on 3rd September, 2016 copy whereof is annexed as Annexure P-2 at pages 24 to 26 of the paper book. They state that in view of the settlement arrived at between the parties they do not wish to pursue the above noted FIR and the proceedings pursuant thereto. The petitioners who are present in Court and identified by learned counsel affirm the statement of respondents No.2 to 4 and state that they will abide by the terms of memorandum of understanding duly notarized on 3rd September, 2016.

In view of the fact that the parties have amicably resolved their differences of their own free will, volition and without any coercion and no useful purpose will be served in continuance of the proceedings, rather the same would create further acrimony between them, it would be in the interest of justice to quash the abovementioned FIR and the proceedings pursuant thereto. There is no legal impediment in quashing the FIR in question.

Consequently, FIR No.445/2012 under Sections 308/323/34 IPC registered at PS Kalyan Puri, Delhi and proceedings pursuant thereto are hereby quashed, subject to payment of costs of ₹5000/- each to be deposited by each of the petitioners with the Delhi Advocates Welfare Fund within four weeks.

Parties have signed this order sheet in acknowledgment of their statements made before this Court.

Petition is disposed of. Order dasti.

MUKTA GUPTA, J.

APRIL 18, 2017/‘v mittal’