

12# \$~

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

+ **CRL.M.C. 3660/2016**

SWARAJ GUPTA & ORS.

..... Petitioners

Represented by: Mr. Dinesh Kumar, Mr. Sanjay Kumar and Mr. Siddharth, Advocates with petitioners in person.

versus

STATE & ANR.

..... Respondents

Represented by: Ms. Kamna Vohra, Additional Standing Counsel for the State with SI Beg Raj, PS CAW Cell, South District.
Ms. Ruchi Jain, Advocate for respondent No.2 with respondent No.2 in person.
Respondent No.3 in person.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

12.05.2017

%

By the present petition the petitioners seek quashing of FIR No. 398/2015 under Sections 186/353/332/506/147/149/509 IPC registered at PS Hauz Khas, Delhi on the complaint of Respondent No.2 and the proceedings pursuant thereto on the ground that the parties have settled the matter.

Learned Additional Standing Counsel for the State on instructions from the Investigating Officer states that in the above noted FIR the seven petitioners are the only accused, the respondent No.2 is the complainant and the respondent No.3 the victim. She states that since the respondent No.3

CRL.M.C. 3660/2016

Page 1 of 3

was on his official duty and assaulted, Sections 186/353 IPC were invoked and as the parties and respondent No.3 have settled the matter, No Objection Certificate by the Additional DCP, South District has been given for quashing of the above noted FIR and the proceedings pursuant thereto. The No Objection Certificate dated 7th November, 2016 issued by Ms. Nupur Prasad, IPS, Additional Deputy Commissioner of Police, South District has been handed over in Court and is taken on record.

Respondent No.2 who is the complainant and the respondent No.3 who is the victim, are present in Court and are identified by the Investigating Officer. Respondent No.2 is also identified by the learned counsel. They state that they have settled the matter with the petitioners vide memorandum of Settlement dated 1st September, 2016, copy whereof is annexed as Annexure-P2 to the present petition at pages 30-37. 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. Respondent No. 3 further states that since he was acting in discharge of his official duty and his senior officers, who had granted sanction, have already issued No Objection Certificate, there is no legal impediment in quashing of the above noted FIR and the proceedings pursuant thereto.

Petitioner Nos. 1 to 7 who are present in Court and are identified by learned counsel affirm the statements of respondent Nos. 2 and 3 and undertake to abide by the terms of the Memorandum of Settlement dated 1st September, 2016 arrived at between the parties.

In view of the fact that the parties have amicably resolved their differences of their own free will, volition and without any coercion and for

the reason that No Objection Certificate has been given by the sanctioning authority of respondent No.3, no useful purpose will be served in continuance of the proceedings, 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. 398/2015 under Sections 186/353/332/506/147/149/509 IPC registered at PS Hauz Khas, Delhi and proceedings pursuant thereto are hereby quashed.

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

Petition is disposed of. Order dasti.

MUKTA GUPTA, J.

MAY 12, 2017
‘vn’