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

+ CRL.M.C. 3622/2017 & CRL.M.A.14764/2017

SURESH KUMAR & ORS Petitioners
Through: Mr.G.P.Singh, Advocate

versus

STATE (NCT OF DELHI) & ORS Respondents
Through: Mr.Sanjeev Sabharwal, APP for the
State with SI Ravi Kumar PS Sangam
Vihar

CORAM:
HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER
10.10.2017

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1. The present petition has been filed by the Petitioners under Section 482 Cr.P.C. seeking quashing of FIR No.352/2006, under Sections 341/323/354/392/452/34 IPC registered at P.S. Sangam Vihar, New Delhi and the proceedings emanating therefrom against the petitioners.
2. Briefly stating the FIR in question was registered on the complaint of Respondent No.2 as per which on 19th April, 2006 a quarrel took place with her neighbour Anjani Singh over the issue of water. On 20th April, 2006 at about 7:45 AM Anjani Singh came to her house and started abusing her as well her husband. When her husband protested then Suresh, Smt.Munni Devi and Abhishek also came. Anjani Singh and Suresh Kumar hit her with bricks. Suresh pushed her on ground and sat on her chest. Munni Devi pulled her hair and was also given fist and kick blows to her and her husband by Anjani Singh, Mahesh Kumar and Pankaj.

3. During the pendency of above proceeding, with the intervention of family members of both the parties and some elderly people of the society, the parties arrived at an amicable settlement vide Compromise Deed dated 28th August, 2017 and copy of the said Compromise Deed has been placed on record as Annexure-B (colly).

4. Respondent No.2/complainant, who is present in person, submits that since the dispute was between the neighbours and the matter has been amicably settled, she does not want to continue with the criminal proceedings. She further submits that Section 392 IPC was added later on as her chain fell down during quarrel. Respondent No.2 further submits that she has no objection if the FIR in question is quashed qua the Petitioners.

5. In this case initially the charge-sheet was filed against the petitioners under Sections 341/323/354/34 IPC in the year 2011 and later on in the year 2016 the petitioners were also charge-sheeted for the offences punishable under Sections 392/452 IPC on the application filed by the respondent No.2/complainant. In the aforesaid FIR the allegations are only about the abuses and physical assault and not of any robbery.

6. The circumstances under which application for amendment of the charge was made for charging the petitioners under Section 392 IPC have been explained by the respondent No.2/complainant. The FIR registered against the present Petitioners is for committing the offences punishable under Sections 341/323/354/392/452/34 IPC. Offence punishable under Section 354 IPC is a non-compoundable offence.

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. Accordingly, in terms of the settlement case FIR No.352/2006 under Sections 341/323/354/392/452/34 IPC registered at P.S. Sangam Vihar, Delhi and consequential proceedings arising therefrom are hereby quashed.

Order dasti, as prayed.

PRATIBHA RANI, J.

OCTOBER 10, 2017

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