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

+ CRL.M.C. 4000/2017

DALBIR SINGH BISHT & ORS

..... Petitioners

Through: Mr.Nitesh Chhabra & Mr.Vijay
Singh, Advocates

versus

STATE & ANR

..... Respondent

Through: Mr.G.M.Farooqui, APP for the State
with SI Hansraj Swami, PS Dwarka
North
Mr.Rajneesh Bhaskar, Adv. for R-2

CORAM:

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

25.09.2017

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1. By way of this petition filed under Section 482 Cr.P.C, the petitioners are seeking quashing of FIR No.544/2016, registered under Section 451/323/354/506/34 IPC at PS Dwarka North, New Delhi on the basis of settlement dated 18th August, 2017 between the parties.

2. Notice. Learned APP as above accepts notice on behalf of the State.

3. The said FIR No.544/2016 has been registered on the complaint of respondent No.2 that on 18th December, 2016 at about 11:30 AM the landlord along with three companions came to her house to collect the electricity bill. As the landlord is demanding higher electricity charges, her husband asked him to show the original electricity bill, the petitioner/landlord and his other companions started fighting with her

husband. The petitioner/landlord caught hold of her from her breast and pushed her and misbehaved with her. They have also threatened her husband to vacate the tenanted premises and got his signatures on one month notice to vacate the premises.

4. During the pendency of the proceedings the parties have arrived have amicably settled their dispute with each other vide Memorandum of Understanding dated 18th August, 2017 which is annexed with this petition as Annexure G (colly).

5. Learned counsel for the petitioners submit that since the parties have settled all the disputes amicably and have no grievance against each other, no purpose would be served in prosecuting the petitioners any further, hence the FIR in question and criminal proceedings emanating therefrom may be quashed.

6. Though the petitioners has been charged with the offences, some of them are non-compoundable, but in view of the legal position laid down by the Hon'ble Supreme Court in the case of ***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.

7. Accordingly, the petition is allowed and FIR No.89/2016 under Sections 354A/509 IPC registered at PS Nangloi, Delhi and consequential proceedings arising therefrom are hereby quashed. However, in the facts and circumstances of the case, it is desirable that the petitioners must be burdened with cost. Accordingly, the petitioners are directed to deposit the cost of ₹10,000/- each (total ₹40,000/-) with “Welfare Fund for Children

and Destitute Women” at Jail Road, Tihar, New Delhi, within two weeks from today and proof thereof shall be placed on record.

8. It is, however, made clear that the said amount of Rs.40,000/- shall be kept in the form of FDR initially for a period of one year to be renewed thereafter from time-to-time and the interest accrued thereon shall be utilized for well being of the inmates of the institution.

9. The parties shall abide by the terms and conditions of the Memorandum of Understanding dated 18th August, 2017 (Annexure G).

10. A copy of this order be sent to the Superintendent, Nirmal Chhaya for information and compliance.

Dasti as well.

PRATIBHA RANI, J.

SEPTEMBER 25, 2017

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