

\$~18 & 20

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

+ W.P.(CRL) 3087/2017

KULDEEP RAJ & ORS.

..... Petitioners

Through: Mr.Vivek Kadyan, Advocate with
petitioners in person.

versus

STATE & ANR.

..... Respondents

Through: Ms.Nandita Rao, ASC for the
State/R-1 with SI Sandeep, PS
Maurya Enclave.
Mr.Sanjay Rana, Advocate with
respondent No.2/complainant in
person.

AND

+ W.P.(CRL) 3091/2017

MANJEET KADYAN & ORS.

..... Petitioners

Through: Mr.Sanjay Rana, Advocate with
petitioners in person.

versus

STATE & ANR.

..... Respondents

Through: Ms.Nandita Rao, ASC for the
State/R-1.
Mr.Vivek Kadyan, Advocate with
R-2/complainant in person.

CORAM:

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

%

07.11.2017

2

Crl.M.A.No.18151/2017 in W.P.(CRL) 3087/2017
Crl.M.A.No.18175/2017 in W.P.(CRL) 3091/2017

1. Exemption allowed subject to all just exceptions.
2. Application is disposed of.

W.P.(CRL) 3087/2017
W.P.(CRL) 3091/2017

1. The above captioned two writ petitions under Articles 226/227 of Constitution of India read with Section 482 Cr.P.C. have been filed by the petitioners praying for quashing of two cross FIRs and the consequential proceedings arising therefrom on the basis of settlement arrived at between the parties.
 2. W.P.(Crl.) No.3087/2017 has been filed by the petitioners namely Kuldeep Raj, Sandeep Hasija, Swati Hasija, Brij Mohan and Gurpreet Bhatia praying for quashing of FIR No.295/2017 under Section 506/509/34 IPC registered at PS Maurya Enclave.
 3. W.P.(Crl.) No.3091/2017 has been filed by the petitioners namely Manjeet Kadyan, Renu @ Saveen Kadyan, Kamlesh Dahiya, Ranbir Singh Dahiya and Anil Kumar praying for quashing of FIR No.294/2017 under Section 354D/506/509/34 IPC registered at PS Maurya Enclave.
 4. Notice. Learned ASC for the State/R-1 as well as learned counsel for complainant accepts notice in both the petitions.
 5. Case FIR No.295/2017 under Section 506/509/34 IPC, PS Maurya Enclave has been registered on the basis of complaint made by Saveen Kadyan (one of the accused in cross FIR No.294/2017) in respect of the incident that took place on 8th July, 2017 at 8.00 am.
 6. Case FIR No.294/2017 under Section 354D/506/509/34 IPC, PS
- W.P.(CRL) No.3087/2017 & 3091/2017* *Page 2 of 4*

Maurya Enclave has been registered on the basis of complaint made by Smt.Poonam (wife of one of accused Kuldeep Raj in FIR No.295/2017) in respect of the same incident.

7. Parties are present in person alongwith their respective counsel.

8. Learned counsel for the parties submit that the parties are neighbours and the main cause for dispute was seepage in the house of complainant Saveen Kadyan (complainant in case FIR no.295/2017) due to overflow of water from the side of house of Kuldeep Raj (one of the accused in FIR No.295/2017). Learned counsel for the parties further submit that civil litigations were also pending between the parties in respect of the said issue. It is submitted that during the pendency of the FIRs in question, the parties arrived at an amicable settlement before the Mediation Centre, Rohini Court, Delhi. Copy of the settlement has also been annexed with the petitions as Annexure P-4.

9. Learned counsel for the parties submit that since the parties have settled their dispute amicable before the Mediation Centre, no purpose would be served by continuing the criminal proceedings against the petitioners (accused persons in both the FIRs), hence both the FIRs, which are the cross FIRs, may be quashed.

10. 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 before the Mediation Centre, 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.

11. Accordingly, both the petitions are allowed. Both the FIRs i.e. FIR W.P.(CRL) No.3087/2017 & 3091/2017

4

No.295/2017 under Section 506/509/34 IPC registered at PS Maurya Enclave and FIR No.294/2017 under Section 354D/506/509/34 IPC registered at PS Maurya Enclave are hereby quashed. The Parties shall remain bound by the terms and conditions of the settlement arrived at before the Mediation Centre, Rohini Court.

Order dasti.


PRATIBHA RANI, J.

✓

NOVEMBER 07, 2017

'st'
AT