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

+ **W.P.(CRL) 3333/2017**

SANJEEV KHANNA & ANR

..... Petitioners

Through: Mr.Ashok, Advocate with Petitioners
in person

versus

STATE (NCT OF DELHI) & ANR

..... Respondents

Through: with ASI Hawa Singh, PS Nihal
Vihar
Mr.Rajesh Hudda, Advocate for R-2
with R-2 in person

CORAM:

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

08.12.2017

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1. By way of this petition filed under Article 226 of the Constitution of India, read with Section 482 Cr.P.C. the petitioners are seeking quashing of the FIR No.499/2017, under Section 323/341/34 IPC, PS Nihal Vihar and consequential proceedings arising therefrom.

2. Briefly stating the facts of the present case, FIR No.499/2017, under Sections 323/341/34 IPC, PS Nihal Vihar has been registered on the complaint of respondent No.2 against the petitioners. As per FIR on 17th August, 2017 at about 7:30 PM when the respondent No.2, after closing his office, turned to go to his home, the petitioners namely Sanjeev Khanna

and Mayank Khanna came in their car and after alighting from the car said to the complainant that since he had escaped on the previous day when they had quarrelled with his son and now his son is in jail, hence, they will not leave him today. Thereafter they started beating the complainant. When the complainant tried to run away from their clutches, Sanjeev stopped his way and Mayank Khanna picked up a stone from the road and hit the complainant which caused injury on the left eye of the complainant. It started bleeding and the petitioners ran away from there. Then someone called the police.

3. Learned counsel for the petitioners submit that during the pendency of the proceedings the parties have amicably settled their dispute and entered into a compromise deed dated 17th November, 2017. Copy of the compromise deed is attached along with the petition.

4. Learned counsel for the petitioners further submits since parties have amicably settled their dispute, no useful purpose would be served by keeping the criminal proceedings pending. He requests that the FIR and the proceedings emanating therefrom may be quashed.

5. Although as per the settlement the complainant has not mentioned any amount to be paid to the complainant towards compensation, during the course of hearing, both the petitioners have agreed to jointly pay ₹30,000/- as compensation to the respondent No.2. The amount of ₹30,000/- towards compensation has been paid and duly received by the respondent No.2 today in the Court.

6. Respondent No.2 is present in the Court today and confirms that he has received the amount of ₹30,000/- towards compensation and the factum

of amicable settlement with the petitioners. He submits that he does not wish to continue criminal proceedings against the petitioners and has no objection if the FIR in question and all consequent proceedings arising therefrom are quashed.

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, the petition is allowed and FIR No.499/2017, under Sections 323/341/34 IPC, PS Nihal Vihar and all the proceedings arising therefrom are hereby quashed.

Order *dasti*.

PRATIBHA RANI, J.

DECEMBER 08, 2017

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