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

+ W.P.(CRL) 3289/2017

DARSHANPAL & ORS Petitioners

Through: Mr.Saurabh Tyagi, Advocate with
petitioners in person

versus

STATE (GOVT OF NCT OF DELHI) & ORS Respondents

Through: Mr.R.S.Kundu, ASC for the State
Mr.Karan Sachdeva, Advocate for
R-2 & R-3 with R-2 & R-3 in person

CORAM:

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

% **27.11.2017**

1. This writ petition has been filed by the petitioners under Article 226 of the Constitution of India, read with Section 482 Cr.P.C., seeking quashing of the FIR No.374/2017 under Sections 308/34 IPC, PS Mahendra Park, Delhi on the basis of the settlement arrived at between the parties.

2. Briefly stating the facts of the present case, on 20th October, 2017 when respondent No.2 was going for his night duty he saw a crowd in front of his house, he tried to enquire why they had gathered, at that time Pankaj who was having wooden stick in his hand started abusing him. Then Sonu, Darshan and his younger brother started giving him kicks and blows and he got injured. The accused persons ran from the place of occurrence and respondent No.2 called police and was taken to BJRM Hosptial for medical.

In the meantime the petitioners also had a scuffle with the mother Sheela Devi and sister Vimla of respondent No.2 and FIR No.374/2017 has been registered against the petitioners.

3. A cross-FIR has also been registered by the petitioners against the brother of respondent No.2 and his friends regarding the same occurrence.

4. Learned counsel for the petitioners submit that the parties have amicably settled their disputes before the Mediation Centre, Rohini Courts. Copy of the Mediation order dated 3rd November, 2017 is annexed with this petition as Annexure-B.

5. Learned counsel for the petitioners submit that petitioners are willing to compensate the respondents by paying an amount of ₹40,000/- as compensation.

6. Learned counsel for the petitioners further submits that since the parties have settled their dispute with each other and arrived at an amicable settlement and that the petitioners are also willing to pay the compensation, no useful purpose would be served in continuing the criminal proceedings against the petitioners and prays that the FIR in question may be quashed.

7. Respondents are present in person and submit that they have settled the matter with the petitioners but refused to accept the amount of ₹40,000/- towards compensation. They also submit that they have no objection if the FIR in question and all proceedings emanating therefrom are quashed.

8. In view of the refusal of the respondents to accept the compensation amount, petitioners are directed to deposit the amount of Rs.40,000/- with the 'Home for Leprosy and T.B. Affected Beggars', Tahir Pur, Delhi-110093 within one week's from today and proof thereof shall be filed with the Registry.

9. The said amount of Rs.40,000/- shall be kept in the saving bank account and shall be utilized to meet day to day urgent needs of the inmates.

10. A copy of this order be sent to the Superintendent, Home for Leprosy and T.B. Affected Beggars, Tahir Pur, Delhi-110 093 for information and compliance.

11. 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.

12. Subject to depositing the amount of ₹40,000/- by the petitioner and furnishing the proof thereof, the petition is allowed and FIR No.374/2017 under Sections 308/34 IPC, PS Mahendra Park, Delhi and all the proceedings arising therefrom are hereby quashed.

Order *dasti*.

PRATIBHA RANI, J.

NOVEMBER 27, 2017

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