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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 71/2018 & CRL.M.A. 311/2018**

RAJU RATHORE @ MISTRI & ANR Petitioners
Through: Mr. Karan Sachdeva with Mr. Sanjay
Sharma, Advocates along with
petitioners in person.

versus

THE STATE GOVT OF NCT OF DELHI & ORS..... Respondents
Through: Mr. Mukesh Kumar, APP with SI
Ramakant, P.S. Sarai Rohilla.
Ms. Richa Sharma, Advocate for R-2
and 3 along with R-2 and R-3 in
person.

CORAM:
HON'BLE MR. JUSTICE R.K.GAUBA

ORDER
% **05.09.2018**

1. The present petition invoking the inherent jurisdiction of this Court under Section 482 of Code of Criminal Procedure, 1973 (Cr.P.C.) seeks quashing of the proceedings arising out of first information report (FIR) no. 258/2017 of Police Station Sarai Rohilla involving offences punishable under Sections 326/324/34 of Indian Penal Code, 1860 (IPC) on the basis of amicable settlement with second and third respondents, they being the victims of the said crimes.
2. The petition is accompanied by a compromise-cum-settlement deed which was arrived at between the parties on 17.11.2017 and the affidavits of the second and third respondents submitted in support thereof. The record also shows that the investigation into the FIR having been completed,

3. charge-sheet was laid in the court of Metropolitan Magistrate seeking trial of the two petitioners and one Gaya Prasad @ Choti for the aforementioned offences punishable under Sections 326/324/34 IPC. The Metropolitan Magistrate statedly has taken cognizance on the said charge-sheet and has issued process, the case being at the stage of consideration of charge.

4. Learned Additional Public Prosecutor submitted that the State relies on the facts which were gathered during the course of investigation as reflected in the charge-sheet, copy of which is already on record.

5. The second and third respondents are accompanied by Ms. Richa Sharma, Advocate who affirms that the matter has been amicably resolved as confirmed by the affidavits of the said second and third respondents. The respondents who are present in person have submitted proof of their respective identity in the form of *Aadhar* card of second respondent and PAN card of third respondent, self-attested photocopies whereof have been taken on record.

6. The perusal of the charge-sheet would show that the first informant Nakul Singh (second respondent) was accosted by the first petitioner (Raju Rathore @ Mistri) on account of the vehicles of the two colliding against each other, a fight having thereafter ensued, in the course of which Gaya Prasad @ Choti – who is absconding – had passed on a knife to the first petitioner who, assisted by the second petitioner, had assaulted the second respondent, and when the third respondent tried to come to his rescue he was also beaten up. Undoubtedly, the injuries suffered by the second respondent have been found to be grievous in nature caused by sharp edged weapon,

this leading to offence under Section 326 IPC being invoked.

7. In the given facts and circumstances, it is clear that a quarrel took place leading to physical assault and injuries being caused on account of dispute which was private in nature between the parties. They having decided to bury the hatchet and move on with their life in order to bring peace to themselves, a case for quashing of the criminal proceedings against the petitioners in the aforementioned FIR is made out. [See: *Gian Singh Vs. State of Punjab and Anr.* (2012) 10 SCC 303 and *Parbatbhai Aahir alias Parbatbhai Bhimsinhbhai Karmur and Others v. State of Gujarat and Another*, (2017) 9 SCC 641].

8. Thus, the prayer is granted. The proceedings against the petitioners in criminal case arising out of FIR No. 258/2017 of Police Station Sarai Rohilla involving offences punishable under Sections 326/324/34 IPC are hereby quashed.

9. The petition stands disposed of. This also disposes of CrI.M.A. No. 311/2018.

R.K.GAUBA, J.

SEPTEMBER 05, 2018

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