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

+ CRL.M.C. 790/2018

MOHD. MUKHTAR

..... Petitioner

Through Ms.Geeta Bhandari, Adv.

versus

STATE & ORS.

..... Respondent

Through Mr.Mukesh Kumar, APP with SI
Neeraj, PS South Rohini.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

% **11.12.2018**

1. Vide the present petition filed u/s 482 Cr.P.C., the petitioner seeks quashing of FIR No.330/2001 registered u/s 363 IPC at P.S Rohini, Delhi on the basis of a Memorandum of Understanding entered into between the parties on 05.01.2018.

2. Ms.Geeta Bhandari, learned counsel for the petitioner submits that at the time of the incident the petitioner as also the respondent no.2/complainant & respondent no.3 were living in the same locality and a misunderstanding arose between the respondent no.2 and the petitioner on the issue of his daughter/respondent no.3 leaving house. He states that the respondent no.2, therefore, filed a complaint against the petitioner leading to the registration of the aforesaid FIR.

3. Ms.Bhandari submits that the parties have now with the

intervention of senior members of the locality, amicably resolved their disputes and have entered into a Memorandum of Understanding dated 05.01.2018. She states that the petitioner is willing to bear any costs that may be directed by this Court and, therefore, prays that, the captioned FIR and proceedings emanating therefrom be quashed.

4. The petitioner as also the respondent nos.2 & 3 are present in Court. The petitioner is identified by his counsel and the identity of the respondent nos.2 & 3 has been verified by Mr.Mukesh Kumar, learned APP. I have also interacted with the respondent no.2/complainant, who states that he has decided to resolve all his differences with the petitioner of his own free will and has entered into the aforesaid Memorandum of Understanding without any coercion. He further submits that he does not want the aforesaid criminal proceedings to continue as his daughter/respondent no.3 is already happily married and living elsewhere. He, therefore, prays that the FIR and consequential proceedings be quashed as he does not want any further acrimony with the petitioner who is his neighbour.

5. I have considered the submissions of the learned counsel for the parties and perused the records. Keeping in view the fact that the FIR emanates from a dispute between neighbours which already stands resolved amicably as also the fact that the respondent no.2 categorically states that he does not want the criminal proceedings to continue as the continuance thereof will also disturb his daughter's happy married life, no useful purpose will be served in continuing with the criminal proceedings. In my view, the ends of justice demand that the FIR and consequential proceedings be quashed.

6. For the aforesaid reasons, the petition is allowed and the captioned FIR and consequential proceedings are quashed, subject to the petitioner paying a sum of Rs.50,000/- as costs to the to the Delhi Police Martyr's Fund, A/C No.18200110036907, UCO Bank, Delhi, IFSC Code UCBA0001820 within four weeks from today. A copy of the receipt of deposit of costs will be handed over to the Investigating Officer for production before the Trial Court.

7. The petition is disposed of in the above terms.

REKHA PALLI, J

DECEMBER 11, 2018

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