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

+ CRL.M.C. 448/2018

SAHJEEM @ MD.SHAZEB Petitioner

Through: Mr. Sunil Kumar, Adv.

versus

STATE (NCT OF DELHI) Respondent

Through: Mr. Akshai Malik, Addl. PP for the
State with SI Mohd. Faizan Ghazi

CORAM:

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

% **30.01.2018**

Crl. M.A.1718/2018 (Exemption)

Allowed, subject to all just exceptions.

CRL.M.C. 448/2018

1. The petitioner seeks quashing of No. 1100 of 2015 under Sections 307 of the IPC Police Station Ghazipur, New FIR Delhi.

2. It is contended that the petitioner and respondent no. 2 both belong to the same locality and carry on the profession of meat selling. The parties are also stated to be distant relations with each other. It is contended that on account of a fight which took place on the heat of the moment, without any premeditation, the alleged incident happened. With the intervention of the members of the family as well as the respectable members of the society and

neighbours, the parties have settled their disputes. The petitioner has shown repentance for his conduct. With the purpose of restoring peace and harmony in the family as well as locality, respondent no. 2 has agreed not to press the complaint any further.

3. Learned Addl. PP for the State submits that respondent no. 2 has already appeared as witness and supported the case of the prosecution. However, he submits that if this court is inclined to exercise discretion, the same should be on certain terms.

4. Respondent no. 2 is present in person in Court today, represented by his counsel and is identified by the Investigating Officer. He submits he has spent about Rs. 1 lakh towards his medical treatment.

5. Even though the parties have settled all the disputes, I am of the view that if discretion is to be exercised, it should also be exercised in a manner so as to act as a deterrent to the petitioner so as not to repeat any such conduct in the future.

6. In view of the fact that the disputes between the parties has been settled, continuation of criminal proceedings will be an exercise in futility and justice in the case demands that the dispute between the parties is put to an end and peace and harmony are restored; securing the ends of justice being the ultimate guiding factor. It would also be expedient to quash the subject FIRs and the consequent proceedings emanating therefrom.

7. In view of the above, the petition is allowed. FIR No. 1100 of 2015 under Sections 307 of the IPC Police Station Ghazipur, New Delhi and the consequent proceedings emanating therefrom are, accordingly quashed, subject to petitioner's paying Rs. 1 lakh to respondent no. 2 as compensation and depositing of Rs. 10,000/- as cost with Delhi Children Welfare Fund, Department of Women and Child Development, 1A, Canning Lane, K.G. Marg, New Delhi, within four weeks from today. The receipt of payment of compensation as well as deposit of cost shall be furnished to the Investigating Officer within five weeks from today. Since the case is fixed on 31.01.2018 before the trial court, the trial court is directed to defer the date by a period of five weeks from today.

8. Order Dasti under signatures of the Court Master.

SANJEEV SACHDEVA, J

JANUARY 30, 2018

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