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

+ CRL.M.C. 1103/2018 & Crl.M.A. 3972-73/2018

HARRY @ SURESH GUPTA & ORS

..... Petitioners

Through: Mr. Navin Sharma, Mr. Manish
Bansal & Ms. Aarti, Advs.

versus

THE STATE GOVT OF NCT OF DELHI & ORS Respondents

Through: Mr. Mukesh Kumar, APP for the
State with SI Sanjay Kaushik, PS
Sarai Rohilla.
Mr. Ravinder Chadha, Advocate for
R-2 & 3.

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

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20.07.2018

The prayer in the petition is for quashing of proceedings arising out of FIR No. 502/2016 of police station Sarai Rohilla involving offences punishable under Sections 307/308/120B/34 IPC on the basis of a purported settlement with the victims of the said crimes. The second and third respondents have appeared through Mr. Ravinder Chadha, Advocate, the counsel opposing the prayer submitting that there is no settlement inasmuch as serious injuries in the head were caused constituting offence of attempt to commit culpable homicide amounting to murder. The counsel for the petitioner submits that a compromise was entered upon, but the second and third respondents are dishonestly backing out of the said settlement. He

places reliance on proceedings in Crl.M.C. 1691/2017 which, according to him, had been filed earlier with similar prayer respecting this FIR which had to be withdrawn as per proceedings recorded on 19.02.2018. The counsel for the petitioners referred to joint statement of the parties recorded on 21.07.2017 (page 119 of the paper book) in said Crl.M.C. 1691/2017. But, the counsel for second and third respondents had pointed out that corresponding proceedings recorded on 21.07.2017 reveal that second and third respondents were not even present in the court on that date on which account the proceedings were adjourned to 07.09.2017. His submissions are found to be correct inasmuch as the copy of the joint statement purportedly recorded on 21.07.2017 does not bear signatures of any of the parties. It appears proceedings have been inadvertently recorded under the signature of the learned Judge.

Be that as it may, having regard to the fact that the second and third respondents are not agreeable to the settlement, and further that even otherwise it will not be proper for this Court to exercise its discretion and jurisdiction under Section 482 Cr.P.C. in a case which involves such serious injuries[see *Parbatbhai Aahir Vs. State of Gujarat*, (2017) 9 SCC 641], the prayer for quashing of the FIR cannot be granted.

The petition and the pending applications are dismissed.

R.K.GAUBA, J

JULY 20, 2018

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