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

+ **CRL.M.C. 1095/2018**

NAWAB

..... Petitioner

Through: Mr. Ravindra Naryan and Mr.
Madhav Narayan, Advs. with
petitioner in person.

versus

STATE OF NCT OF DELHI & ANR.

..... Respondents

Through: Mr. Izhar Ahmad, APP for State with
ASI Krishan Pal, P.S. Amar Colony.
Respondent no.2 in person.

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

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30.08.2018

By this petition under Section 482 of the Code of Criminal Procedure, 1973 (for short, Cr.P.C.), petitioner has prayed for quashing of FIR No. 383/2010 under Sections 451/382/506/34 IPC registered at police station Amar Colony and the consequent proceedings emanating therefrom in view of the compromise arrived at between petitioner and respondent no.2. The Compromise Deed dated 25th January, 2018 executed between the petitioner and respondent no.2 has been placed on record. Affidavit of respondent no.2 (complainant) is also on record in support of the petition. It is noted that after the trial petitioner has been convicted under Sections 451/382/34 IPC by the trial court and sentenced to rigorous imprisonment for 1 year with fine of ₹3,000/- for the offence under Section 382 IPC and sentenced to

simple imprisonment for 2 years with fine of ₹2,000/- for the offence under Section 451 IPC. In default of payment of fine/compensation, the convicts shall be liable to undergo simple imprisonment for 3 months for each offence in addition to substantive imprisonment. Benefit of Section 428 Cr.P.C. had also been given to the petitioner. Aggrieved by his conviction and sentences handed down to him, petitioner has filed an appeal before the learned Additional Sessions Judge, which is pending. Co-accused Mohd. Haqiq has died on 23rd December, 2014 during the pendency of trial, accordingly, proceedings against him stood abated.

It is submitted that during the pendency of appeal, petitioner and respondent no.2 have settled their disputes amicably vide Compromise Deed dated 25th January, 2018 with the intervention of their common friends. Petitioner and respondent no.2 are known to each other being residents of same locality. Respondent no.2 is present in Court and has been identified by ASI Krishan Pal of police station Amar Colony. He submits that in order to maintain harmonious relations with petitioner in future he has settled the matter with the petitioner of his own free will and without any undue force, pressure or coercion. He has no objection in case FIR and the consequent proceedings are quashed in view of the settlement arrived at between him

and petitioner.

Vide judgment dated 18th August, 2017 passed in CRM-M25898 of 2017 titled Tek Chand & Anr. Vs. State of Haryana & Anr., a learned Single Judge of Punjab and Haryana High Court has held that there is no statutory embargo against invoking powers under Section 482 Cr.P.C. after conviction of accused by the trial court and during pendency of the appeal against such conviction. I am also of the view that FIR can be quashed, in view of the settlement, during pendency of appeal as the appeal is continuation of trial.

Keeping in view the facts and circumstances of this case, I am of the view that aforesaid FIR and the consequent proceedings can be quashed in view of the compromise arrived at between the petitioner and respondent no.2, who are known to each other. Accordingly, in the interest of justice, aforesaid FIR and the consequent proceedings emanating therefrom are quashed.

Petition is disposed of in the above terms. Miscellaneous applications are disposed of as infructuous.

Dasti.

A.K. PATHAK, J.

AUGUST 30, 2018/ga