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

+ CRL.M.C. 1157/2018 & CRL.M.A. 4221/2018

KARTIKEY & ANR

..... Petitioner

Through Mr. Sumit Chander, Ms. Shsikha
Sapra, Mr. Jatin Choudhary, Advs.
with petitioners in person.

versus

STATE & ANR

..... Respondent

Through Mr. Izhar Ahmad, APP for State with
Substitute IO SI Laxman Choudhary,
PS Greater Kailash-I.
Mr. Dhruva Bhagat, Ms. Ashna
Bhagat, Advs. for R2 with R2 in
person.

CORAM:

HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER

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07.03.2018

Learned counsel for the respondent no. 2 submits that his authorization has been filed.

Vide the present petition, the petitioner no. 1 Kartikey and the petitioner no. 2 Vijay Kumar Sharma Rajeev Rana seek quashing of the FIR No. 176/16, registered at PS Greater Kailash, under Sections 506/509/288/427/451/34 of the Indian Penal Code, 1860 submitting *inter alia* to the effect that a settlement has been arrived at between the petitioners and the respondent no. 2 i.e. the complainant of the FIR in question and the petitioners and the respondent no. 2 are neighbours and all disputes between them have been amicably settled by repair of the damage caused to the

Kailash-I, New Delhi-58.

The substitute Investigating Officer of the case has identified the petitioners no. 1 & 2 as being the accused arrayed in the said FIR in question and the respondent no. 2 as being the complainant thereof on the basis of their proof of identity produced by the petitioners and the respondent no. 2, photocopies of which in the form of their Aadhar cards are on record as Ex.CW1/A to Ex.CW1/C, originals of which have been seen and returned.

The respondent no. 2 on her examination by the Court on oath has testified to having sworn her affidavit as Ex.CW2/A annexed to the petition which she has signed voluntarily of her own accord without any duress or coercion from any quarter and has stated categorically that she does not oppose the prayer made by the petitioners seeking quashing of the FIR No. 176/16, registered at PS Greater Kailash, under Sections 506/509/288/427/451/34 of the Indian Penal Code, 1860 nor does she want them to be punished in relation thereto and submits further that the petitioners no. 1 & 2 are neighbours and have since repaired the damages caused to her property bearing No. E-139, Ground Floor, Greater Kailash-I, New Delhi-58. She *inter alia* submits that she has done M.Tech and she is a Home Maker.

Learned APP for the State also in the circumstances of the case does not oppose the prayer made by the petitioners seeking quashing of the FIR No. 176/16, registered at PS Greater Kailash, under Sections 506/509/288/427/451/34 of the Indian Penal Code, 1860 in view of the settlement arrived at between the parties.

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A perusal of the petition and the FIR in question indicates that it relates to some construction being raised at property bearing No. E-141,

Ground Floor, Greater Kailash-I, New Delhi-58 i.e. the property of the petitioners which resulted in the damages caused to the property of the respondent no. 2 qua which the respondent no. 2 is also indicated to have filed the civil suit against the petitioners claiming damages to the tune of Rs.15 lakhs stated to be pending adjudication before the Saket Courts in relation to which it has also been submitted by the respondent no. 2 in her statement that she shall also withdraw her civil suit pending against the petitioners in view of the settlement arrived at with the petitioners, who have since repaired the damages to her property and there appears no reason to disbelieve the statement made by the respondent no. 2 voluntarily of her own accord without any duress or coercion from any quarter who is apparently well educated and capable to make and understand the implications of her statement and coupled with the factum that the offences punishable under Sections 506/509/427/451 of the Indian Penal Code, 1860 are compoundable in terms of the Section 320 of the Code of Criminal Procedure, 1973 qua the offence punishable under Section 288 of the Indian Penal Code, 1860 in view of the settlement made by the respondent no. 2 that all matters have been settled and damages to the property of the respondent no. 2 have been repaired, it is considered appropriate in the interest of justice to put *a quietus* to the litigation. It is thus considered appropriate in the interest of justice that the prayer made by the petitioners seeking quashing of the FIR No. 176/16, registered at PS Greater Kailash,

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under Sections 506/509/288/427/451/34 of the Indian Penal Code, 1860 and all consequential proceedings emanating therefrom is allowed and thus the FIR No. 176/16, registered at PS Greater Kailash, under Sections

506/509/288/427/451/34 of the Indian Penal Code, 1860 and all consequential proceedings emanating therefrom against the petitioner no. 1 Kartikey and the petitioner no. 2 Vijay Kumar Sharma Rajeev Rana are quashed.

The petition is disposed of.

ANU MALHOTRA, J

MARCH 07, 2018/MK