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

+ **CRL.M.C. 1342/2018**

SUBHASH CHANDER

..... Petitioner

Through Mr. Swastik Singh with Mr.
Vikasdeep Sharma, Advocates.

versus

THE STATE (GNCT OF DELHI) & ORS

.... Respondents

Through Ms. Anit Abraham, APP for the State.
Mr. Himanshu Dagar, Advocate for
respondent Nos.2 and 3 with R-2 & 3
in person.
SI Prabha Karan, PS Chhawla.

CORAM:

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

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16.03.2018

Crl.M.A.4890/2018 (exemption)

Exemption is allowed subject to all just exceptions.

CRL.M.C. 1342/2018

1. The petitioner seeks quashing of FIR No.14/2017 under Section 308 IPC, Police Station Chhawla, based on a settlement.
2. The allegations against the petitioner are that the petitioner blocked, with his car, the Scooty on which the respondent No.3 and the respondent No.2 – his son were travelling. It is alleged that the petitioner caught hold of the respondent No.3 and threw him on the road, on account of which, the respondent No.3 sustained injuries.

3. Learned counsel for the petitioner submits that the disputes between the parties emanated out of other proceedings *inter alia* a proceeding under Section 138 of the Negotiable Instrument Act initiated by the petitioner.

4. It is contended that the parties have settled all their disputes and have entered into a settlement agreement dated 17.02.2018 through the process of mediation, held at Mediation Centre, Dwarka Courts, Delhi. A Memorandum of Understanding has also been entered into on 26.02.2018. It is submitted that in terms of the settlement, the petitioner has already withdrawn his complaint under Section 138 of the Negotiable Instrument Act.

5. The respondent Nos.2 and 3 are present in person, represented by counsel and are identified by the Investigating Officer. They submit that they have settled their disputes with the petitioner and do not wish to press charges against the petitioner and prosecute the complaint any further.

6. In view of the fact that the parties have resolved their disputes and have entered into a settlement agreement dated 17.02.2018 and Memorandum of Understanding dated 26.02.2018 has also been entered into and in view of the fact that the respondent Nos. 2 and 3 do not wish to press their complaint, 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 is restored; securing the ends of justice being the ultimate

guiding factor. It would be expedient to quash the subject FIR and the consequent proceedings emanating therefrom.

7. In view of the above, the FIR No.14/2017 under Section 308 IPC, Police Station Chhawla and the consequent proceedings emanating there from are quashed, subject to the payment of the cost of Rs.10,000/- to be paid by the petitioner to the “*Prisoners Welfare Fund, Jail No. 13, Mandoli*”, Mangal Pandey Marg, Harsh Vihar, Village Mandoli, Delhi within two weeks. The receipt of deposit of the costs imposed by this Order be furnished to the concerned Investigating Officer within a period of three weeks from today.

8. Order *Dasti* under the signatures of the Court Master.

SANJEEV SACHDEVA, J

MARCH 16, 2018
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