

\$~8

*

IN THE HIGH COURT OF DELHI AT NEW DELHI

+

CRL.M.C. 910/2017

SUNIL KUMAR

..... Petitioner

Through

Mr. Jayant K Sud & Mr. Honey
Khanna, Advs with petitioner in
person

versus

STATE (NCT OF DELHI) & ANR

..... Respondents

Through

Mr. Izhar Ahmad, APP for State
SI Rajender Kumar, PS NFC
Respondent no.2 in person

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

%

26.09.2018

It is submitted that petitioner was landlord of respondent no.2 at the relevant time. Petitioner filed a suit against respondent no.2 for possession of the tenanted premises and the present FIR No.573/2006 was lodged by respondent no.2 against the petitioner under section 380/448/34 IPC at police station New Friends Colony.

Petitioner was convicted by the trial court vide judgment dated 18th March, 2016 and was sentenced to undergo one year simple imprisonment along with fine of ₹20,000/- for the offence under section 380 IPC and sentence of simple imprisonment of one year for offence under section 448 IPC. Both the sentences were directed to run concurrently. Petitioner has filed an appeal which is pending.

Petitioner's father had also filed a suit for injunction etc., which

was disposed of by the Civil Judge-06, West District, Tis Hazari Courts, Delhi vide judgment dated 26th February, 2013. CR No.65/2013 was filed by the petitioner being legal representative of late Sh. Raj Kumar. During pendency of the Revision Petition, matter was settled. Accordingly, a joint application under Order 22 Rule 1 & 3 CPC was filed and pursuant thereof the revision was disposed of on 13th May, 2016.

It is submitted that in view of the settlement, the aforesaid FIR and consequent proceedings emanating therefrom may be quashed.

Respondent no.2 is present in the Court and has been identified by SI Rejendra Kumar of police station NFC. He admits that he has settled the matter with petitioner of his own free will and without any undue force, pressure or coercion. He further submits that he has no objection in case aforesaid FIR and all the consequent proceedings are quashed.

Keeping in mind the settlement arrived at between the petitioner and respondent no.2 voluntarily, in my view, no fruitful purpose would be served to keep the criminal proceedings pending. Accordingly, in the interest of justice, aforesaid FIR and all the consequent proceedings emanating therefrom are quashed.

Petition is disposed of in the above terms.

Dasti.

A.K. PATHAK, J

SEPTEMBER 26, 2018

sm