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

% Judgment delivered on: 16.07.2018

+ CRL.M.C. 2098/2018

SAROJ BHUJEL & ORS

..... Petitioners

versus

THE STATE (NCT OF DELHI)& ORS

..... Respondents

Advocates who appeared in this case:

For the Petitioner : Mr. Vivek Chaudhary, Advocate.

For the Respondent: Ms. Neelam Sharma, APP for the State.
ASI Ashok Kumar, PS Kotla Mubarakpur.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

16.07.2018

SANJEEV SACHDEVA, J. (ORAL)

1. The petitioners (i) Saroj Bhujel, (ii) Laxman Bhujel and (iii) Ram Bhadhur Bhujel seek quashing of FIR No.285/2017 under Sections 323/354/354B/509/34 IPC, Police Station Kotla Mubarakpur.

2. Subject FIR was registered consequent to a quarrel that had taken place on a trivial issue. It is pointed out that during investigation, apart from the petitioners, involvement of one Tek Bahadur was also found. Chargesheet has been filed against all of them.

3. Learned APP for the State, under instructions from the Investigating Officer, submits that Tek Bahadur is not traceable and is not appearing before the Trial Court. He submits that proceedings under Section 82 Cr.P.C. have been initiated against him.

4. Learned counsel for the petitioners, under instructions from the petitioners, submits that the petitioners are not aware as to who this Tek Bahadur is and have made an attempt but have not been able to trace out his whereabouts. They pray that the FIR be quashed qua the petitioners only.

5. Learned counsel for the parties submit petitioners as well as respondent Nos.2 to 4 are known to each other as they belong to the same community. With the intervention of the respectable members of the society as well as common friends, they have settled their disputes and a Compromise Deed dated 23.02.2018 has been executed.

6. Respondent Nos.2, 3 and 4 are present in Court in person and identified by the Investigating Officer. They have filed their supporting affidavits as well as their identify proofs. They submit that they do not wish to press their complaint any further.

7. In view of the fact that the parties have resolved their disputes and respondent Nos. 2, 3 and 4 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.

8. In view of the above, the petition is allowed. The subject FIR No.285/2017 under Sections 323/354/354B/509/34 IPC, Police Station Kotla Mubarakpur as well as the consequent proceedings arising therefrom are quashed qua the petitioners. This would be without prejudice to the proceedings initiated against Tek Bahadur.

9. Order Dasti under the signatures of the Court Master.

JULY 16, 2018
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SANJEEV SACHDEVA, J

नस्यमेव जयते