

\$~23

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

+ CRL.M.C. 3550/2018 & CRL.M.A. 28080/2018

BALBIR SINGH & ORS

..... Petitioner

Through Mr.Vinod Kumar, Adv.

versus

THE STATE GOVT. OF NCT OF DELHI

..... Respondent

Through Ms.Manjeet Arya, APP with SI Sunil,
PS Fatehpur Beri.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

%

31.10.2018

1. Vide the present petition u/s 482 CrPC, the petitioners seek quashing of FIR No.72/2015 u/s 506/509 IPC registered at P.S Fatehpur Beri, Delhi and all consequential proceedings emanating therefrom on the basis of the compromise arrived between the parties on 07.05.2018.

2. Mr.Vinod Kumar, learned counsel for the petitioners submits that the petitioner no.1 was employed as a Watchman in a NDMC School situated near the residence of the complainant namely late Ms. Veena Kumari, who was the wife of the petitioner no.2 herein. He submits that as the petitioner no.1 was responsible for keeping a watch in the area near the School, a quarrel took place between him and late Ms. Veena Kumari, who under a misunderstanding had lodged a complaint against the petitioner no.1.

3. Mr.Kumar submits that the petitioner had never intended to misbehave with late Ms.Veena Kumari but at the spur of the moment, he lost his temper, due to which she felt intimidated and lodged the aforesaid complaint against him. He submits that the complainant has however expired on 12.05.2016, whereafter her legal heirs including petitioner nos.2 to 4 have entered into a compromise with the petitioner no.1 resolving all their disputes with him. He, therefore, prays that the FIR and consequential criminal proceedings be quashed.

4. The petitioner nos.2 & 3, i.e. husband and daughter of late Ms.Veena Kumari are present in Court. I have interacted with the petitioner nos.2 & 3, who state that they have voluntarily settled their disputes with the petitioner no.1 without any coercion. They submit that they do not wish to pursue the aforesaid proceedings any further as it will cause further hardship to them. They also pray that the FIR and proceedings emanating therefrom be quashed.

5. I have considered the submissions of the learned counsel for the parties and perused the record. Keeping in view the fact that the complainant/late Ms.Veena Kumari has already expired and her legal heirs have entered into a compromise with petitioner no.1, no useful purpose will be served in continuing with the aforesaid criminal proceedings initiated at the behest of late Ms.Veena Kumari. In my view, interest of justice demands that the aforesaid FIR and consequential criminal proceedings be quashed.

6. For the aforesaid reasons, the petition is allowed and the captioned FIR alongwith all consequential proceedings is quashed,

subject to the petitioner no.1 paying a sum of Rs.30,000/- as costs by way of Demand Draft to the petitioner no.2 within two weeks from today. A copy of the receipt of deposit of costs will be handed over to the Investigating Officer for production before the learned Trial Court.

7. The petition alongwith the pending application is disposed of in the above terms pending application.

REKHA PALLI, J

OCTOBER 31, 2018

sr