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

+ **W.P.(CRL) 1600/2018**

DEVENDER NAGAR & ANR

... Petitioners

Represented by: Mr.Himanshu Sharma, Advocate

versus

STATE OF NCT DELHI & ANR

... Respondents

Represented by: Ms.Kamna Vohra, ASC for the State
with ASI Arvind, PS New Ashok
Nagar
Mr.Pradeep Kumar with Mr.Lalit
Khurana, Advocates for respondent
No.2

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

04.12.2018

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Despite directions, Amended Memo of Parties has not been filed. Learned counsel for the petitioner has handed over Amended Memo of Parties, which is taken on record.

By the present petition the petitioners seek quashing of FIR No.209/2018 under Sections 308/34 IPC registered at PS New Ashok Nagar, Delhi on the complaint of Respondent No.2 and the proceedings pursuant thereto on the ground that the parties have settled the matter.

Learned Additional Standing Counsel for the State on instructions from Investigating Officer submits that in the above-noted FIR besides the

W.P.(CRL) 1600/2018

Page 1 of 3

two petitioners, there are two more accused who have not been impleaded as a party as Amended Memo of Parties was not filed. Learned counsel for the petitioners has handed over Amended Memo of Parties, which is taken on record. Learned Additional Standing Counsel further submits that that in the FIR in question, respondent No.2 is the only complainant/victim.

Respondent No.2 is present in Court and is identified by the learned counsel and Investigating Officer. He states that he has settled the matter with the petitioners vide Settlement Deed dated 18th May, 2018 copy whereof is annexed as Annexure P-2 with the present petition. In terms of the settlement, he does not wish to pursue the above-noted FIR and the proceedings pursuant thereto. He undertakes to abide by the terms of the settlement arrived at between the parties.

Petitioners who are present in Court and are identified by the learned counsel affirm the statement of respondent No.2 and undertake to abide by the terms of settlement arrived at between the parties vide Settlement Deed dated 18th May, 2018 and to show remorse they undertake to deposit costs.

In view of the fact that the parties have amicably resolved their differences of their own free will, volition and without any coercion and no useful purpose will be served in continuance of the proceedings, rather the same would create further acrimony between them, it would be in the interest of justice to quash the abovementioned FIR and the proceedings pursuant thereto. There is no legal impediment in quashing the FIR in question.

Consequently, FIR No.209/2018 under Sections 308/34 IPC registered at PS New Ashok Nagar, Delhi and proceedings pursuant thereto
W.P.(CRL) 1600/2018

are hereby quashed subject to the petitioners depositing the costs of ₹5,000/- each with the Delhi High Court Staff Welfare Fund within four weeks.

Parties have signed this order sheet in acknowledgment of their statements made before this Court.

Petition is disposed of. Order dasti.

MUKTA GUPTA, J.

DECEMBER 04, 2018
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