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

+ **CRL.M.C. 3169/2018**

**ASLAM & ANR**

..... Petitioner

Through: Ms.Archana, Adv. with petitioners in person.

versus

**THE STATE & ANR**

..... Respondents

Through: Mr.Mukesh Kumar, APP for the State with ASI Shiv Charan, PS Vijay Vihar.  
R-2 in person.

**CORAM:**

**HON'BLE MS. JUSTICE REKHA PALLI**

**ORDER**

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**30.11.2018**

1. Vide the present petition filed u/s 482 Cr.P.C., the petitioners seek quashing of FIR No.173/2017 registered u/s 365/323/34 IPC at Police Station Vijay Vihar, Delhi on the basis of a settlement arrived at between the parties on 25.05.2018.

2. Learned counsel for the petitioners submits that the petitioners as also respondent no.2 are young boys and due to an altercation that took place between the parties on the issue of giving way to the vehicle being driven by petitioner no.1, a complaint was made by respondent no.2 leading to registration of the captioned FIR against the petitioners. She submits that with the intervention of some common friends, the matter has now been amicably resolved between

the parties and they have accordingly entered into a Memorandum of Understanding on 25.05.2018. In accordance with the settlement, the petitioners have already paid the agreed sum of Rs.40,000/- to respondent no.2. She further submits that the petitioners are willing to pay further amount to respondent no.2 as may be directed by this Court. She therefore, prays that the captioned FIR and consequential proceedings be quashed.

3. The petitioners as also the respondent no.2 along with his mother are present in Court and have been identified by the Investigating Officer. I have interacted with the respondent no.2, who states that he has entered into the aforesaid settlement with the petitioners out of his own will and without any coercion. He submits that he does not want the aforesaid criminal proceedings to continue as it will cause hardship to him also and therefore, prays that the captioned FIR and consequential proceedings be quashed.

4. I have considered the submissions of the learned counsel for the parties and perused the record. Keeping in view the fact that the FIR emanates out of a dispute between young boys on the issue of giving way to a vehicle being driven by one of them which dispute already stands resolved between them, no useful purpose will be served in continuing with the aforesaid criminal proceedings especially when the respondent no.2/complainant himself does not want the proceedings to continue. In my view, the continuance of the criminal proceedings in these circumstances would be an abuse of process of law and the ends of justice demand that the FIR and consequential proceedings be quashed.

5. For the aforesaid reasons, the petition is allowed and the captioned FIR and consequential proceedings are quashed, subject to the petitioners paying a further sum of Rs.60,000/- to the respondent no.2 within four weeks from today. A copy of the receipt regarding payment of the aforesaid sum will be handed over to the Investigating Officer.

6. The petition is disposed of in the above terms.

**REKHA PALLI, J**

**NOVEMBER 30, 2018**

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