

\$~1

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

+ **CRL.M.C. 5135/2018**

SH. AMARJEET SINGH & ORS. Petitioner

Through Mr.Raj Narain Saxena with
Ms.Monika Saxena, Advs.

versus

THE STATE (GOVT. OF NCT OF DELHI) & ORS. Respondent
Through Mr.Amit Chadha, APP with SI Dheer
Singh, PS Farsh Bazar.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

% **06.12.2018**

1. Vide the present petition u/s 482 CrPC, the petitioners seek quashing of FIR No.0172/2012 u/s 308/323/34/354 IPC at P.S. Farsh Bazar, Delhi and all proceedings emanating therefrom, based on a settlement deed dated 12.08.2018.

2. Mr.Raj Narain Saxena, learned counsel for the petitioners submits that the petitioners were tenants in the property bearing H.No.346, Teliwara, Shahdar, Delhi, which was owned by the respondent no.2's husband, namely late Mr.Jitender Bahal. On the night of 22.05.2012, a minor altercation took place between the parties, which led to the filing of complaints by the petitioner no.1 and late Mr.Jitender Bahal. Based on the complaint made by late Mr.Jitender Bahal, the captioned FIR was registered against the

petitioners, whereas on the basis of the complaint made by the petitioner no.1, a cross FIR bearing no.0173/2012 was registered.

3. Mr.Saxena further submits that Mr.Jitender Bahal died in August, 2016 leaving behind his widow, namely Ms.Jyoti Bahal/respondent no.2 and two minor children. After his death, the parties have resolved their disputes and have entered into a settlement dated 12.08.2018. He further submits that the petitioners are willing to bear any costs that may be directed by this Court and, therefore, prays that the captioned FIR and consequential proceedings be quashed.

4. The petitioners as also the respondent no.2 are present in Court and have been identified by the Investigating Officer. I have also interacted with the respondent no.2, who states that she has decided to resolve all her differences with the petitioners out of her own free will and has entered into the settlement without any coercion. She further submits that being a young widow, she needs to take care of her two minor children and, therefore, does not want the aforesaid criminal proceedings to continue as it will cause more hardship to her. She, thus, prays that the captioned FIR and all consequential proceedings be quashed.

5. I have considered the submissions of the learned counsel for the parties and perused the records. Keeping in view the fact that the captioned FIR emanates from an altercation between the parties which led to the registration of cross FIRs as also the fact that the altercation arose out of a misunderstanding which now stands resolved, no useful purpose will be served in continuing with the criminal proceedings. The ends of justice demand that the captioned

FIR and consequential proceedings be quashed.

6. For the aforesaid reasons, the petition is allowed and the captioned FIR and all consequential proceedings are quashed, subject to the petitioners paying costs of Rs. 25,000/- to the Delhi Police Martyr's Fund, A/C No.18200110036907, UCO Bank, Delhi, IFSC Code UCBA0001820 within four 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 on the next date.

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

REKHA PALLI, J

DECEMBER 06, 2018

sr