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

+ CRL.M.C. 5145/2018

SMT. JYOTI BEHAL & ANR.

..... Petitioner

Through Ms.Shobha, Adv.

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

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06.12.2018

1. Vide the present petition u/s 482 CrPC, the petitioners seek quashing of FIR No.0173/2012 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. Ms.Shobha, learned counsel for the petitioners submits that the respondent no.2 was a tenant in the property bearing H.No.346, Teliwara, Shahdar, Delhi, which was owned by the petitioner no.1'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 respondent no.2 and late Mr.Jitender Bahal. Based on the complaint made by the respondent no.2, the captioned FIR was registered against the petitioners, whereas on the basis of the complaint made by late Mr.Jitender Bahal, a cross FIR

bearing no.0172/2012 was registered.

3. Ms.Shobha further submits that Mr.Jitender Bahal died in August, 2016 leaving behind his widow, namely Ms.Jyoti Bahal/petitioner no.1 and two minor children. After his death, the parties have resolved their disputes and have entered into a settlement dated 12.08.2018. She 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. Mr.Amit Chadha, learned APP opposes the quashing of the FIR by drawing my attention to the list of cases in which the petitioner no.1 was involved. However, learned counsel for the petitioners, points out that out of the six cases referred to in the status report, in five cases either the petitioner no.1 was acquitted or the matter was settled. She further submits that the only case which is perhaps pending is reported as FIR No.448/2013, which is listed for further investigation on 19.12.2018 and the petitioner no.1 till date has not been summoned in the said case. Furthermore, all the FIRs referred to by the learned APP were of the period when the petitioner no.1's husband was alive. The petitioner no.1 was not at all involved directly in those cases and was named only because she is the wife of late Mr.Jitender Bahal, who may perhaps have been involved in those cases.

5. 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 he has decided to

resolve all his differences with the petitioners out of his own free will and has entered into the settlement without any coercion. He further submits he does not want the aforesaid criminal proceedings to continue as it will cause more hardship to him. He, thus, prays that the captioned FIR and all consequential proceedings be quashed.

6. 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.

7. 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. 10,000/- each 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.

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

REKHA PALLI, J

DECEMBER 06, 2018

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