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IN THE HIGH COURT OF DELHI AT NEW DELHI

Decided on: 23rd August, 2018

+ CRL.M.C. 4885/2016

RAJESH KUMAR & ANR.

..... Petitioners

Through: Mr. Nishant Tyagi, Advocate

versus

STATE & ANR.

..... Respondents

Through: Mr. Mukesh Kumar, APP for the
State with SI prempal, PS Mukherjee Ngr.

Mr. Varun Jamwal, Adv. for complainant

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER (ORAL)

1. The criminal case in which the petitioners are facing prosecution arises out of the report under Section 173 of the Code of Criminal Procedure, 1973 submitted on conclusion of investigation into first information report (FIR) no.352/12 of police station Mukherjee Nagar registered on 19.11.2012, on the complaint of the second respondent who was working as a constable in the First Armed Battalion of Delhi Police at the relevant point of time. The charge-sheet was submitted in 2013 and charges concededly have been framed involving offences punishable under Sections 186, 353, 332, 34 of Indian Penal Code, 1860 against the petitioners.

2. By the petition at hand, inherent jurisdiction of this court under Section 482 of the Code of Criminal Procedure, 1973 (Cr.PC) is invoked with the prayer that the proceedings in the criminal case be quashed because the second respondent has entered into an amicable settlement. It may be added here that when approached, the Deputy Commissioner of Police, First Battalion of Delhi Armed Police had declined to give a no objection to the petition being filed on the ground that there was “no such procedure”.

3. The offences involved here go beyond the domain of it being a dispute between two private individuals. The second respondent was a public servant on duty when he was subjected to the alleged assault, he having been injured as a result of the criminal force used. This element takes the case to a serious level involving public interest. A case of this nature, in the opinion of this court, ought not be quashed only because the individual who suffered physical injury in the process has agreed to give it a go-by. [see *Parbatbhai Aahir alias Parbatbhai Bhimsinhbhai Karmur and Others v. State of Gujarat and Another*, (2017) 9 SCC 641].

4. For the foregoing reasons, the petition is dismissed.

R.K.GAUBA, J.

AUGUST 23, 2018

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