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

+ CRL.M.C. 5577/2018

SUMESH DUGGAL & ANR Petitioners

Through Mr. Vikas Bhatia, Advocate

versus

STATE (GOVT OF NCT OF DELHI) & ANR

..... Respondents

Through Mr. Kamal Kumar Ghai, APP
for State with SI Karmvir
Sangwan, P.S. Kotla
Mubarakpur

Mr. Sunil Kumar and Mr.
Suresh Tomar and Mr. Heraj
M. and Mr. Vipin,
Advocates for Respondent no.2
alongwith respondent no.2 in
person

CORAM:

HON'BLE MR. JUSTICE CHANDER SHEKHAR

ORDER

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12.12.2018

1. The petitioners have filed the present petition under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No. 263/2014 under sections 323/509/354/34 of the Indian Penal Code, 1860 ('IPC'), registered at PS: Kotla Mubarakpur, Delhi and the proceedings emanating therefrom.

2. The petitioners and respondents No.2 as well as their

respective counsels submitted that the parties have amicably settled their disputes vide Memorandum of Settlement dated 02.05.2018 on their own free will, without any force or coercion, with the intervention of respectable members of the society and some common friends. The petitioners as well as respondent No.2 further submitted that no claim or grievance subsists between them and they are living peacefully and assure the Court that in future also, they will live peacefully.

3. Learned counsels for the parties further submitted that respondent no.2 had lodged a cross FIR No. 262/2014 under sections 323/452/506/34 of IPC and that matter also stands settled vide Memorandum of Settlement dated 02.05.2018.

4. The Investigating Officer ('IO'), who is present in Court, has identified the petitioners as well as respondent No.2 and has also verified about the said Settlement. IO further submitted that parties have no other cases are pending against them, except the present FIR and the cross FIR filed by the parties.

5. Respondent No.2 further submitted that, in view of the settlement arrived at between the parties, the petition may be allowed and the FIR may be quashed.

6. In view of the aforesaid circumstances, the settlement arrived at between the parties, as well as the fact that the parties want to live peacefully and harmoniously as good citizens, this Court is of the view that no fruitful purpose would be served in keeping the parties entangled in the criminal proceedings.

Accordingly, in the interest of justice, FIR No. 263/2014 under sections 323/509/354/34 of the IPC, registered at PS: Kotla Mubarakpur, and the proceedings emanating therefrom are quashed, subject to the petitioners depositing Rs.15,000/- out of which, Rs. 10,000/- be deposited with the Delhi High Court Advocates Welfare Fund and remaining cost of Rs. 5,000/- with the Delhi Police Martyrs' Fund, Account No.18200110036907, UCO Bank, IFSC Code:UCBA0001820 within ten days and a receipt of the same be filed in the Registry of this Court within two weeks and a copy of the said receipt shall also be handed over to the learned APP through the IO. In case the petitioner fails to deposit the said sum, the prosecution shall be entitled to move an application for passing appropriate orders.

7. Petition is disposed of in the above terms.

CHANDER SHEKHAR, J

DECEMBER 12, 2018

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