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

+ **CRL.M.C. 5916/2018 & CrI.M.A. Nos.47934-35/2018**

NITESH & ORS.

..... Petitioners

Through: Mr.Rajiv Ranjan Prasad, Adv. with
petitioners in person.

versus

STATE & ANR.

..... Respondents

Through: Mr.Mukesh Kumar, APP for the State
with SI Ranjit Tokas & HC Sandeep,
PS Neb Sarai.
R-2 in person.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

% **26.11.2018**

CrI.M.A. No. /2018 (for condonation of delay in re-filing)

1. For the reasons stated in the application, the same is allowed and the delay of 12 days in re-filing the present petition is condoned.
2. The application is disposed of.

CRL.M.C. 5916/2018

1. Vide the present petition filed u/s 482 Cr.P.C., the petitioners seek quashing of FIR No.0360/2018 registered u/s 323/308/34 IPC at Police Station Neb Sarai, Delhi on the basis of a settlement deed dated 05.10.2018.
2. Learned counsel for the petitioners submits that the petitioners as also the respondent nos.2 are neighbours living in the locality of Sangam Vihar and are carrying out a similar business of selling milk.

He submits that due to a misunderstanding, a quarrel took place between the parties that led to filing of a complaint by the respondent no.2, which in turn culminated into the registration of the aforesaid FIR.

3. Learned counsel for the petitioners further submits that after the registration of the aforesaid FIR, the parties, with the intervention of their neighbours, have now resolved their disputes and have entered into a settlement deed dated 05.10.2018. He, therefore, prays that the captioned FIR and proceedings emanating therefrom 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 he has decided to resolve all his differences with the petitioners of his own free will and has entered into the settlement without any coercion. He further submits that he does not want the aforesaid criminal proceedings to continue as he does not want any further acrimony with the petitioners who are his neighbours and old friends.

5. I have considered the submissions of the learned counsel for the parties and perused the records. Keeping in view the fact that the parties are neighbours who are carrying out businesses of a similar nature as also the fact that the altercation leading to simple injuries to both parties arose out of a misunderstanding, I am of the view that no useful purpose will be served in continuing with the criminal proceedings as the same will not only cause hardship to the parties but will also cause further acrimony between them.

6. Accordingly, the petition is allowed and the captioned FIR and

proceedings emanating are quashed, subject to all the three petitioners paying a sum of Rs.5,000/- each as costs to the Delhi High Court Bar Association Library Fund within four weeks from today. A copy of the receipt of deposit of costs will be handed over to the Investigating Officer.

7. The petition alongwith the pending applications is disposed of in the above terms.

REKHA PALLI, J

NOVEMBER 26, 2018

gm