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

+ CRL.M.C. 5710/2018

VIVEK DESHWAL

..... Petitioner

Through: Mr.Kirti Uppal, Sr. Advocate
with Mr. Nitesh Kumar,
Advocate

versus

STATE OF NCT OF DELHI & ANR Respondents

Through: Mr.Kamal Kumar Ghei, APP
with ASI Devender PS
Jagatpuri, SI Ankit & SI Anand
Prakash PS Madhu Vihar.

CORAM:

HON'BLE MR. JUSTICE CHANDER SHEKHAR

ORDER

% **27.11.2018**

1. The petitioner has moved the present petition under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.1182/2015, under Sections 323/336/506 of the Indian Penal Code, 1860, registered at PS:Madhu Vihar, Delhi and the proceedings emanating therefrom.

2. Learned senior counsel for the petitioner submitted that the learned Trial Court vide order dated 10th April, 2018 ordered for taking cognizance of the offence punishable under Sections 323/336/506 of IPC and has placed on record certified copy of the order dated 10th April, 2018. Learned senior counsel for the petitioner has also relied upon a judgment of Supreme

Court in *Dimpey Gujral Vs. Union Territory through Administrator, UT, Chandigarh and others* AIR 2013 SC 518 and judgments of this Court in *Iqbal Vs. State of (NCT of Delhi) & Anr.* 2015 SCC Online Del 12114, *Dina Nath Prasad Vs. State* 2016 SCC Online Del193 and *Kajal Sarkar vs. State* 2017 SCC online Del 11118.

3. The parties, present in Court, submitted that the incident happened due to some misunderstanding between them and they have now realised their mistake and decided to settle their dispute peacefully. It is also submitted that they have a 13 year old daughter, namely Bhumika Singh, who is totally dependent on them and her future would be adversely affected in case the criminal proceedings are allowed to be continued. It is further submitted by the parties that they have arrived at a compromise out of their own free will, without any force or coercion.

4. Petitioner and respondent No.2 further submitted that they have been living amicably and peacefully together for the last about three years. It is further submitted that in the interest of justice, the aforesaid FIR may be quashed and the petitioner and respondent No.2 may be allowed to live peacefully and happily. Respondent No.2, who is an Advocate, submits that she understands the consequences of quashing of the FIR.

5. Respondent No.2 further submitted that the matter has been settled on her own free will, without any force, pressure or coercion and she has no objection to the petition being allowed

and the quashing of the FIR.

6. Learned APP for the State submitted that the challan was also filed for the offence under Section 30 of the Arms Act, 1959. He further admitted that the Trial Court, vide order dated 10th April, 2018, had taken cognizance of the offences punishable only under Sections 323/336/506 of IPC.

7. In view of the aforesaid circumstances and the settlement arrived at between the parties and the fact that the petitioner and respondent No.2 are living together along with their minor daughter, 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.1182/2015, under Sections 323/336/506 of the Indian Penal Code, 1860, registered at PS:Madhu Vihar, Delhi and the proceedings emanating therefrom are quashed.

8. Petition is disposed of in above terms.

CHANDER SHEKHAR, J

NOVEMBER 27, 2018/da