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

+ CRL.M.C. 5480/2018 & CrI.M.A.35145/2018

GAURAV

..... Petitioner

Through Mr.Vivek Sharma, Adv.

versus

THE STATE & ANR

..... Respondent

Through Mr.Amit Chadha, APP with SI Ajay
Swami, PS Mansarovar Park.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

% **29.10.2018**

1. At the outset, learned counsel for the petitioner submits that due to a typographical mistake the year of the FIR has been erroneously typed as 2016 in the prayer clause instead of 2015. He, therefore, prays for permission to correct the same in Court. The learned counsel is permitted to correct the same in Court under his initials.
2. Vide the present petition, the petitioner seeks quashing of FIR No.335/2015 registered u/s 451 of the IPC at P.S. Mansarovar Park and all proceedings emanating therefrom on the basis of the compromise deed dated 11.10.2018.
3. Mr.Vivek Sharma, learned counsel for the petitioner submits that the petitioner and the respondent no.2 are neighbours residing at Shahdara. He submits that the captioned FIR was lodged by the respondent no.2 on 01.07.2015 due to a misunderstanding between the petitioner and the respondent no.2's father and brothers. He further submits that on the same date a cross FIR No.336/2015 had been registered at the behest of the petitioner.

4. Mr. Sharma submits that after the registration of the aforesaid FIR the parties have resolved their disputes and have jointly signed the aforesaid compromise deed. He, therefore, prays that the FIR and proceedings emanating therefrom be quashed as the FIR as also a cross FIR filed by the petitioner were based on a petty quarrel between neighbours and the offences *qua* FIR No.336/2015 already stand compounded.

5. The petitioner as also the respondent no.2 are present in Court and have been identified by the I.O. I have interacted with the respondent no.2, who states that she has entered into a compromise with the petitioner voluntarily and without any coercion. She further submits that she does not desire the criminal proceedings to be continued any further, as the same will cause grave hardship to her also.

6. On the other hand, Mr.Chadha, learned APP submits that though there is no previous involvement of the petitioner in any other case but the allegations in the present case are serious and, therefore, prays that the proceedings should not be quashed.

7. However, keeping in view the fact that the offences under the FIR No.336/2015 arising out of the same incident already stand compounded as also the fact the respondent no.2 does not deny that there was a misunderstanding and a small scuffle between her father and brothers with the petitioner and she does want to continue with the criminal proceedings. I am of the considered opinion that no useful purpose would be served in continuing with the criminal proceedings against the petitioner.

8. For the aforesaid reasons, the petition is allowed and the captioned FIR and all consequential proceedings are quashed, subject to costs of Rs. 20,000/- payable by the petitioner to Delhi High Court Advocates Welfare Trust within two week from today. Copy of the receipt of the costs will be handed over to the I.O. to be produced before the learned Trial Court on the next date.

9. The petition is disposed of alongwith the pending application.

REKHA PALLI, J

OCTOBER 29, 2018

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