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

+ **CRL.M.C. 5583/2018**

KUMESH TYAGI & ANR

..... Petitioner

Through Mr.Mohit Sharma, Adv.

versus

THE STATE (NCT OF DELHI) & ANR

..... Respondent

Through Mr.Mukesh Kumar, APP with SI
Hukam Chand, PS Mehrauli.

Mr.Pawan Sharma, Adv for R-2.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

% **02.11.2018**

1. Vide the present petition u/s 482 CrPC, the petitioners seek quashing of FIR No.1594/2016 u/s 323/354/506/34 IPC at P.S Mehrauli, Delhi and all proceedings emanating therefrom, based on a compromise deed dated 04.08.2018.

2. Mr.Mohit Sharma, learned counsel for the petitioners submits that the petitioners and the respondent no.2 stay in the same building, the petitioners being the tenants of the respondent no.2. He submits that a quarrel took place between the petitioners and the respondent no.2 over a petty dispute and the respondent no.2, under a misunderstanding, lodged a complaint against the petitioners in the heat of the moment which led to the registration of the aforesaid FIR on 02.10.2016. Soon thereafter, a cross FIR dated 06.10.2016 making

some allegations against the respondent no.2's son was registered, at the behest of the petitioner no.1's wife.

3. Mr.Sharma submits that after the registration of the aforesaid FIRs, the parties with the intervention of the senior members of the neighbourhood, have resolved their disputes and entered into a compromise deed dated 04.08.2018 and are still residing in the same building peacefully. 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 interacted with the respondent no.2, who states that she has entered into the compromise with the petitioners of her own free will and without any coercion. She further states that they are still residing in the same building and, therefore, does not want to pursue the aforesaid criminal proceedings as she does not want any further acrimony with the petitioners.

5. I have considered the submissions of the learned counsel for the parties and perused the record. Keeping in view the fact that the FIR basically emanates from a dispute between a landlord and her tenants which already stands resolved, as also the fact that the complaint lodged by the respondent no.2 was a result of a misunderstanding, I find that no useful purpose would be served in continuing with the criminal proceedings against the petitioners. In my considered view, the ends of justice demand that the FIR and consequential proceedings be quashed.

6. For the aforesaid reasons, the petition is allowed and the

captioned FIR and all consequential proceedings are quashed, subject to costs of Rs. 10,000/- payable by the petitioners to the Delhi Police Martyr's Fund, A/C No.18200110036907, UCO Bank, Delhi, IFSC Code UCBA0001820 within two weeks from today. A copy of the receipt of deposit of costs will be handed over to the Investigating Officer for production before the learned Trial Court on the next date.

7. The petition is disposed of in the above terms.

REKHA PALLI, J

NOVEMBER 02, 2018

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