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

+ **CRL.M.C. 5647/2018**

SH. PRADEEP KUMAR & ANR. Petitioners

Through: Mr. Anuj Aggarwal & Mr. Brij
Shankar, Advocates

versus

STATE & ORS. Respondents

Through: Mr. Kamal Kumar Ghei, APP
with SI Vikas Kumar,
PS:Dwarka, New Delhi
Mr. Rajat Agnihotri, Advocate
for respondent No.2

CORAM:

HON'BLE MR. JUSTICE CHANDER SHEKHAR

ORDER

% **12.11.2018**

CRL.M.A. 35814/2018

Allowed, subject to all just exceptions. The application is
disposed of.

CRL.M.C. 5647/2018

1. This is a petition under Section 482 of the Code of Criminal Procedure, 1973, praying for quashing and cancelling of FIR No.935/2015, under Sections 354/509/34 of the Indian Penal Code, 1860 ('IPC'), registered at PS:Dwarka South, New Delhi and the subsequent proceedings emanating therefrom.

2. Learned counsel for the petitioners as well as learned counsel for respondent No.2 submitted that due to an unfortunate misunderstanding arising out of an incident dated 6.12.2015, two cross-FIRs bearing Nos.935/2015 and 936/2015, under the same Sections i.e. Sections 354/509/34 IPC came to be registered at PS: Dwarka South. The petitioners herein are co-accused in FIR No.935/2015, whereas respondent No.2 and other co-accused have been arrayed as accused persons in FIR No.936/2015. Investigation was conducted and a chargesheet was filed in FIR No.935/2015 before the Court of learned Metropolitan Magistrate , Dwarka Courts, Delhi, in pursuance whereof the petitioners herein were summoned before the Court of the learned Metropolitan Magistrate, Dwarka Courts, Delhi. Similarly, a chargesheet also came to be filed in FIR No.936/2015 before the Court of learned Metropolitan Magistrate, wherein respondent No.2, along with other co-accused, were summoned.

3. However, during the course of trial, at joint request of parties, the case was referred to the Mediation Centre, Dwarka Courts on 6.5.2017, as there was a possibility of settlement between the parties.

4. During the course of mediation proceedings, the parties were able to settle all their disputes and differences, accordingly, a Settlement Deed dated 6.5.2017 came to be drawn up between the parties, copy whereof has been filed as

annexure P-4. However, since offence under Section 354 read with Section 34 IPC is non-compoundable, the Settlement Deed was only *qua* Sections 509/34 IPC. Accordingly, it was resolved between the parties that they shall approach this Court for quashing of cross-FIR Nos.935/2015 and 936/2015, both registered at PS:Dwarka South.

5. Learned counsel for the petitioners as well as learned counsel for respondent No.2 submitted that a similar petition, bearing Crl.M.C. 5341/2018 has been filed before this Court and the same is coming up for hearing today itself.

6. The parties and the learned counsel for the petitioners as well as learned counsel for respondent No.2 submitted that the differences between the petitioners and respondent No.2 arose due to an unfortunate incident and now they have settled their differences and want to live peacefully and blissfully, they do not want to pursue cases against each other.

7. The Investigating Officer ('IO'), present in Court, has identified the parties and stated that the parties have stated to him that they have settled the matter on their own free will, without any force or coercion and now want to live peacefully and do not want to proceed further in the matter. The learned APP, on instructions of the IO, submitted that the parties do not have any criminal case against each other, except the aforesaid two FIRs. The learned APP has also verified the settlement effected between the parties.

8. In view of the aforesaid circumstances, the submissions made and the settlement effected between the parties, this Court is of the view that no fruitful purpose would be served in keeping them entangled in the criminal proceedings. Accordingly, in the interest of justice, FIR No.935/2015, under Sections 354/509/34 of the Indian Penal Code, 1860 ('IPC'), registered at PS:Dwarka South, New Delhi and the subsequent proceedings emanating therefrom are quashed.

9. Petition is disposed of in above terms.

CHANDER SHEKHAR, J

NOVEMBER 12, 2018

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