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

+ **W.P.(CRL) 2596/2017**

**K D SAJNANI & ORS**

..... Petitioners

Represented by: **Mr.P.S.Singh, Ms.Annu Singh and  
Mr.Rajpal Singh, Advocates**

versus

**THE STATE NCT OF DELHI & ANR**

..... Respondents

Represented by: **Ms.Amita Sachdeva, Advocate for  
Ms.Richa Kapoor, ASC for the State  
and SI Anil Kumar, PS Dwarka South**

**CORAM:**

**HON'BLE MS. JUSTICE MUKTA GUPTA**

**ORDER**

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**24.09.2018**

1. By this petition, the petitioners seek quashing of FIR No.319/2017 under Sections 4 (1) (r) (s) (z) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act (in short SC & ST Act) registered at PS Dwarka South on the complaint of Respondent No.2 and the proceedings pursuant thereto on the ground that the parties have settled the matter.

2. Learned proxy counsel for learned Additional Standing Counsel for the State on instructions submits that in the above noted FIR the four petitioners are the only accused and the respondent No.2 is the only complainant/ victim.

3. Respondent No. 2 who is present in Court and is identified by the Investigating Officer states that he has settled the matter with the petitioners

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vide the settlement deed dated 27<sup>th</sup> August, 2017 copy whereof is annexed at pages 27 to 28 of the paper book. In terms of the settlement, he does not wish to pursue the abovementioned FIR and the proceedings pursuant thereto.

4. Petitioners who are present in Court and are identified by the learned counsel affirm the statement of respondent No.2 and undertake to abide by the terms of settlement arrived at between the parties. To show remorse, they undertake to deposit cost.

5. In view of the fact that the parties have amicably resolved their differences of their own free will, volition and without any coercion, it would be in the interest of justice to quash the abovementioned FIR and the proceedings pursuant thereto. Under the provisions of SC/ST Act, there is no bar for quashing of the FIR on the basis of compromise and settlement having been arrived at between the parties and as stated by respondent No.2, he is no more residing in Delhi and has shifted to his native place, thus he does not want to join the trial any more, no useful purpose would be served in continuing with the abovenoted FIR and the proceedings pursuant thereto. Thus the inherent powers of this Court to quash the criminal proceedings which would be an exercise in futility is required to be resorted to. Similar view was expressed by the Coordinate Benches of this Court in CrI.M.C.No.903/2013 Jeetwani & Ors. Vs. State of Delhi & Ors. dated 16<sup>th</sup> February, 2016 and CrI.M.C.No.3649/2015 Om Prakash Sharma & Ors. Vs. State & Anr. dated 18<sup>th</sup> December, 2015. There is no legal impediment in quashing the FIR in question.

6. Consequently, FIR No.319/2017 under Sections 4 (1) (r) (s) (z) of the Prevention of Atrocities of the Scheduled Castes and Scheduled Tribes Act (in short SC & ST Act) registered at PS Dwarka South and proceedings pursuant thereto are hereby quashed subject to each of the petitioner depositing a sum of ₹10,000/- with the Chief Minister's Distress Relief Fund, Kerala within two weeks, receipt whereof will be placed on record.
7. Parties have signed this order sheet in acknowledgment of their statements made before this Court.
8. Petition is disposed of. Order dasti.

**MUKTA GUPTA, J.**

**SEPTEMBER 24, 2018**

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