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

+ CRL.M.C. 5831/2018 & CrI.M.A. No.47638/2018

VISHNU DAYAL & ORS

..... Petitioners

Through: Mr.Karan Nagrath & Mr.G.D.
Chopra, Advs. with petitioners in
person.

versus

STATE & ANR

..... Respondents

Through: Ms.Manjeet Arya, APP for the State
with SI Akash, PS Kapashera.
Mr.Samir Chugh with Ms.Mamta
Singh, Advs. for R-2 with R-2 in
person.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

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20.11.2018

1. Vide the present filed under Section 482 Cr.P.C., the petitioners seek quashing of FIR No.0361/2015 registered under Sections 323/354(A)/354(B)/354(D)/34 IPC at Police Station Kapashera, Delhi on the basis of a settlement arrived at between the parties on 22.08.2018.

2. Learned counsel for the petitioners submits that the petitioner no.1 is the tenant of petitioner no.2 and petitioner no.3 is the wife of petitioner no.2. He submits that the respondent no.2 as also all the petitioners are residing in the same locality and due to some

misunderstanding, a sudden altercation took place between the parties leading to filing of a complaint by the respondent no.2 and based on the said complaint, the captioned FIR was registered against the petitioners.

3. Learned counsel for the petitioners further submits that with the intervention of the senior members of the locality, the parties have now resolved their disputes and have entered into a settlement dated 22.08.2018. He submits that the petitioners as also the respondent no.2 do not want the criminal proceedings to continue any further and, therefore, prays that the captioned FIR and all the consequential proceedings emanating therefrom be quashed.

3. The petitioners and the respondent no.2 are present in Court and have been identified by the Investigating Officer. The respondent no.2 is also represented by her counsel. I have interacted with the respondent no.2 who states that she lives in the same locality as that of the petitioners and has resolved all her disputes with the petitioners of her own free will and has also executed the settlement agreement deed dated 22.08.2018 without any coercion. She prays that the captioned FIR and consequential proceedings be quashed as she does not want any further acrimony with her neighbours.

4. I have considered the submissions of the learned counsel for the parties and perused the records. Keeping in view the fact that the parties are neighbours and the incident had occurred due to a sudden altercation and minor misunderstanding which already stands resolved, Ms.Manjeet Arya, learned APP also does not deny the fact that as per the FIR, there are no injuries of any kind to the respondent

no.2. In the light of these facts, I am of the view that no fruitful purpose will be served in continuing with the criminal proceedings arising out of the captioned FIR. The ends of justice demand that the FIR and consequential proceedings emanates therefrom be quashed.

5. Accordingly, the petition is allowed and the captioned FIR and all consequential proceedings are quashed, subject to the petitioners depositing a sum of Rs.10,000/- with the Delhi High Court Staff Welfare Fund 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.

6. The petition is disposed of along with pending application in the above terms.

REKHA PALLI, J

NOVEMBER 20, 2018

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