

\$~1

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

+ **CRL.M.C. 5863/2018**

TIRATH SINGH & ANR Petitioners
Through: **Mr. Mahee Arora, Advocate**

versus

THE STATE (NCT OF DELHI) & ANR Respondents
Through: **Mr. Kamal Kumar Ghai, APP**

CORAM:
HON'BLE MR. JUSTICE CHANDER SHEKHAR

ORDER
% **13.12.2018**

1. The petitioners have moved the present petition under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.1086/2014, under Sections 308/34 of the Indian Penal Code, 1860, registered at PS:Neb Sarai, New Delhi and the proceedings emanating therefrom.

2. The petitioners and respondent No.2 along with learned counsel for the petitioners submitted that two cross-FIRs had been filed by the parties against each other. One FIR, being FIR No.1155/2014, has already been quashed by HMJ Najmi Waziri vide order dated 28.11.2018 in WP(CRL.) No.3598/2018. Learned counsel for the petitioners further submitted that the parties have arrived at a settlement vide Compromise Deed dated 10.5.2016. Learned counsel for the petitioners further submitted that the compromise deed has been arrived at

between the parties on their own free will, without any force, pressure or coercion, as good sense has prevailed upon them and they have pardoned each other and no party is interested in pursuing the case against each other.

3. Learned counsel for the petitioners further submitted that the effect of settlement has been considered by the Bench of HMJ Najmi Waziri, which is evident from the order dated 28.11.2018 while disposing of WP(CRL.)3598/2018.

4. The Investigating Officer ('IO'), who is present in Court, has identified the petitioners as well as respondent No.2 and the IO has also verified the Compromise Deed arrived at between the parties. The IO has also stated that one FIR already stands quashed by the Bench of HMJ Najmi Waziri and for the quashing of another FIR, the present petition has been filed and no other case is pending between the parties.

5. Respondent No.2 submitted that the settlement has been arrived at between the parties on their own free will, without any force, pressure or coercion and he has no objection to the petition being allowed and the quashing of the FIR.

6. Learned counsel for the petitioners and respondent No.2 further submitted that they are now living peacefully and shall live peacefully in future as well. Learned counsel for the petitioners and respondent No.2 further submitted that they now have no disputes against each other and they may be given a chance to improve and live peacefully as good citizens.

7. In view of the aforesaid circumstances and the Compromise Deed arrived at between the parties, this Court is of the view that no fruitful purpose would be served in keeping the parties entangled in the criminal proceedings. Accordingly, in the interest of justice, FIR No. 1086/2014, under Sections 308/34 of the Indian Penal Code, 1860, registered at PS:Neb Sarai, New Delhi and the proceedings emanating therefrom are quashed, subject to petitioners depositing Rs. 10,000/- with the Delhi High Court Advocates' Welfare Fund within one week. The petitioners shall also deposit Rs.5,000/- with Delhi Police Martyrs' Fund, Account No.18200110036907, UCO Bank, IFSC Code:UCBA0001820 within one week and the receipts of the same be filed in the Registry of this Court within ten days and copies of the said receipts shall also be handed over to the learned APP through the IO. In case the petitioners fail to deposit the aforesaid amount, the prosecution shall be entitled to move an application for passing appropriate orders.

8. Petition is disposed of in above terms.

CHANDER SHEKHAR, J

DECEMBER 13, 2018

tp