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

+ W.P.(CRL) 2819/2017 and CrI.M.A. No. 17301/2017

DEVESH KUMAR & ANR Petitioner

Represented by: Mr. Sushil Kumar Jain, Advocate.

versus

STATE & ANR Respondent

Represented by: Ms. Kamna Vohra, ASC for the State
with Ms. Sarabjeet Kaur, Advocate.
Mr. Kartickay Mathur, Advocate for
R-2.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

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04.10.2018

By the present petition the petitioners seek quashing of FIR No. 441/2016 under Sections 308/34 IPC registered at PS Okhla Industrial Area, Delhi on the complaint of Respondent No.2 and the proceedings pursuant thereto on the ground that the parties have settled the matter.

Learned Additional Standing Counsel for the State on instructions submits that in the above noted FIR the two petitioners were arrayed as accused, however, charge sheet has been filed only against petitioner No. 1 and respondent No.2 is the only complainant/ victim.

Respondent No. 2 who is present in Court and is identified by the learned counsel states that he has settled the matter with the petitioners who are his neighbours and have apologised for their misbehaviour and assure that no such misbehaviour will take place in future. He states that he does

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not want to pursue the abovementioned FIR and the proceedings pursuant thereto.

Petitioners who are present in Court and are identified by the learned counsel affirm the statement of respondent No.2 and assure that no such misbehaviour will take place in future. To show remorse petitioner No. 1 undertakes to deposit cost.

In view of the fact that the parties have amicably resolved their differences of their own free will, volition and without any coercion and no useful purpose will be served in continuance of the proceedings, rather the same would create further acrimony between them, it would be in the interest of justice to quash the abovementioned FIR and the proceedings pursuant thereto. There is no legal impediment in quashing the FIR in question.

Consequently, FIR No. 441/2016 under Sections 308/34 IPC registered at PS Okhla Industrial Area, Delhi and proceedings pursuant thereto are hereby quashed subject to petitioner No. 1 depositing a sum of ₹5,000/- with the Chief Minister's Distress Relief Fund, Kerala within four weeks and receipt thereof will be placed on record.

Parties have signed this order sheet in acknowledgment of their statements made before this Court.

Petition and application are disposed of. Order dasti.

MUKTA GUPTA, J.

OCTOBER 04, 2018
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