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

+ **W.P.(CRL) 3081/2017**

TAJINDER KAUR & ANR

..... Petitioners

Represented by: Mr. Yashpal Jolly and Mr.
Mahesh Kumar Gautam,
Advocates with petitioners in
person.

versus

THE STATE NCT OF DELHI & ANR

..... Respondents

Represented by: Mr. Ashish Aggarwal,
Additional Standing Counsel
for State with ASI Mange Ram,
PS Tilak Nagar.
Respondent Nos. 2 and 3 in
person.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

17.04.2018

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By the present petition the petitioners seek quashing of FIR No. 555/2015 under Sections 392/34 IPC registered at PS Tialk Nagar, 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 from Investigating Officer submits that the above-noted FIR was registered on the complaint of Gagandeep Singh who stated that on 30th March, 2015 at about 11.30 PM when he along with his uncle was coming from Vishnu Garden and going to Tilak Nagar, a lady shouted from the back wanting the

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respondent No. 2 to be caught alleging that the respondent No. 2 had put her husband in trouble and thus respondent No. 2 needs to be taught a lesson. On the shouting of the petitioner, respondent No. 2 was caught by two persons who started beating him. In the meantime, the lady who had shouted, that is, Tajinder Kaur, petitioner No.1 herein came along with petitioner No. 2 and the two of them started quarrelling with the respondent No. 2. When the respondent No. 2 tried to make a call, it is alleged that the petitioner No. 2 snatched his mobile phone and ran away. He thus states that the petitioners are the only accused, respondent No. 2 the only complainant and the role attributed to the petitioner No. 2 was only of quarrelling which was not a cognizable offence. Learned Additional Standing Counsel for the State further states that on the same incident cross-FIR on the complaint of petitioner No. 1 being FIR No. 561/2015 has been registered wherein the allegations of the petitioner is that the gold chain of petitioner No. 2 has been snatched. It is thus apparent that the two parties were quarrelling and in the scuffle their mobile phone and a gold chain misplaced. He states that no other person is involved in the above noted FIR.

Respondent No. 2 is present in Court and is identified by the Investigating Officer. He states that he has settled the matter with the petitioners before the Delhi High Court Mediation and Conciliation Centre on 9th February, 2018. He further states that his mobile phone was actually misplaced and traced later on. In terms of the settlement he does not wish to pursue the above-noted FIR and the proceedings pursuant thereto and will abide by the terms of settlement.

Petitioners who are present in Court and are identified by the learned counsel affirm the statement of respondent Nos.2 and undertake to abide by the terms of the settlement arrived at between the parties before the Delhi High Court Mediation and Conciliation Centre on 9th February, 2018, copy whereof is annexed at pages 48-52 of the paper-book.

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, it would be in the interest of justice to quash the abovementioned FIR and the proceedings pursuant thereto. Since the offence under Section 392 IPC is not made out, there is no legal impediment in quashing the FIR in question.

Consequently, FIR No. 555/2015 under Sections 392/34 IPC registered at PS Tialk Nagar, Delhi and proceedings pursuant thereto are hereby quashed.

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

Petition is disposed of. Order dasti.

MUKTA GUPTA, J.

APRIL 17, 2018

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