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

+ **CRL.M.C. 6109/2018**

FAZIL KHAN & ANR.

..... Petitioners

Through: **Mr. Sanotsh Kumar, Advocate**

versus

STATE & ORS

..... Respondents

Through: **Mr. Kamal Kumar Ghai, APP
with SI Prem Raj**

CORAM:

HON'BLE MR. JUSTICE CHANDER SHEKHAR

ORDER

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03.12.2018

CRL.M.A. 48650/2018

Allowed, subject to all just exceptions. The application is disposed of.

CRL.M.C. 6109/2018

1. The petitioners have moved the present petition under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.1057/2017, under Sections 308/34 of the Indian Penal Code, 1860, registered at PS:Vijay Vihar, Delhi and the proceedings emanating therefrom.

2. The petitioners as well as respondent No.2 submitted that they have settled their dispute vide Settlement dated 22.11.2018 on their own will, without any force or coercion, with the

intervention of respectable members of the society and some common friends. The petitioners as well as respondent No.2 further submitted that no claim or grievance is subsisting between them and they are living peacefully and assure the Court that in future also, they will live peacefully.

3. The Investigating Officer ('IO'), who is present in Court, has stated that three accused persons were named in the FIR, apart from the two petitioners. The third accused, namely, Achhan Khan has already expired during the pendency of the case on 3.5.2018. The IO has also verified about the death of the said accused. The IO has further identified the petitioners as well as respondent No.2 and has also verified about the Settlement dated 22.11.2018.

4. The petitioners as well as respondent No.2 submitted that in view of the settlement arrived at between them, they have no objection to the petition being allowed and the FIR being quashed.

5. In view of the aforesaid circumstances and the Settlement 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. 1057/2017, under Sections 308/34 of the Indian Penal Code, 1860, registered at PS:Vijay Vihar, Delhi and the proceedings emanating therefrom are quashed, subject to the petitioners depositing Rs.5,000/- with Delhi

Police Martyr's Fund, Account No.18200110036907, UCO Bank, IFSC Code:UCBA0001820 within one week and a receipt of the same be filed in the Registry of this Court within ten days thereafter, and a copy of the said receipt shall also be handed over to the learned APP through IO. In case the petitioner fails to deposit the said sum, the prosecution shall be entitled to move an application for passing appropriate orders.

6. Petition is disposed of in above terms. Pending application is also disposed of.

Dasti.

CHANDER SHEKHAR, J

DECEMBER 03, 2018

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