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

+ **CRL.M.C. 5300/2017**

BRIJESH SHARMA

..... Petitioner

Through Mr. Y.K. Sharma with Mr. Manoj
Kumar Sharma, Advocates.

versus

STATE OF NCT OF DELHI & ANR

..... Respondents

Through Mr. Arun Kumar Sharma, APP.
ASI Virender, PS Zafrabad.

CORAM:

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

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08.01.2018

Crl.M.A. 20798/2017 (exemption)

Exemption is allowed subject to all just exceptions.

CRL.M.C. 5300/2017 & Crl.M.A. 20799/2017 (stay)

1. The petitioner by this petition, seeks quashing of FIR No.459/2016 under Section 354/354(B) IPC, Police Station Jafrabad, lodged by respondent No.2.

2. The subject FIR is a cross-FIR to FIR No.458/2016 under Section 354/354(B), IPC lodged by the wife of the petitioner. The relation between the parties is that of landlord and tenants. It is contended that on account of an altercation pertaining to a dispute with regard to the payment of rent of the tenanted premises, subject FIR and the Cross FIR have been lodged. With the intervention of the

neighbours and the respectable personnel of the localities, the parties have settled their disputes and differences.

3. The respondent No.2, who is present in person and is identified by the Investigating Officer, submits that she has settled the disputes with the petitioner and his family members and does not wish to prosecute the present complaint.

4. In view of the fact that the disputes between the parties emanate out of a discord between the landlord and the tenant and the parties have since settled their disputes and the respondent No.2/complainant does not wish to prosecute the complaint lodged by her, in my view, no fruitful purpose would be served in continuing with the criminal proceedings as there is a very slim chance of conviction in the present case. Further, in view of the fact that the parties have settled their disputes with regard to the Cross FIRs registered against each other, it would also be expedient and in the interest of justice, that the subject FIR and the proceedings arising therefrom are quashed.

5. Learned Additional Public Prosecutor submits that the parties had used the State machinery for the purposes of investigation, and in the subject FIR, the charge sheet has already been filed. He submits that, in case, this Court is inclined to exercise discretionary powers, the same should be subject to terms.

6. In view of the above, the subject FIR No.459/2016 under Section 354/354(B) IPC, Police Station Jafrabad and the consequent proceedings emanating therefrom are quashed. The petitioner shall

deposit a cost of Rs.5,000/- with “*Delhi Child Welfare Fund*”, Department of Women and Child Development, 1A, Canning Lane, Kasturba Gandhi Marg, New Delhi, within a period of two weeks from today. Receipt of deposit of the costs imposed by this Order be furnished to the concerned Investigating Officer within a period of three weeks from today.

7. Order *Dasti* under the signatures of the Court Master.

SANJEEV SACHDEVA, J

JANUARY 08, 2018
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