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

+ **CRL.M.C. 6293/2018**

RAJIV & ORS

..... Petitioner

Through Mr.Sundaram, Adv.

versus

STATE (GOVT OF NCT OF DELHI) & ANR Respondent

Through Mr.Raghuvinder Verma, APP with SI
Dharmender, PS. BHD Nagar.
Mr.Kanack Pandey, Adv for R-2.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

% **14.12.2018**

1. At the outset, learned counsel for the petitioners makes an oral prayer for grant of exemption to petitioner no.2 from personal appearance. He states that petitioner no.2 is 73 years of age and due to his ill-health, he is undergoing treatment in Rosewood Hospital, Najafgarh, New Delhi and could, therefore, not appear before this Court. He hands over copies of the medical prescription issued by the captioned Hospital to petitioner no.2 in October/November 2018 and the same are taken on record. He further submits that the petitioner no.1/son of petitioner no.2 and petitioner no.3/wife of petitioner no.2 are present in Court. The request for exemption is not opposed by the learned counsel for the respondents.

2. Keeping in view his old age and the fact that he is suffering

from age-related ailments, the petitioner no.2 is exempted from personal appearance.

3. Vide the present petition filed u/s 482 Cr.P.C., the petitioners seek quashing of FIR No.03/2011 registered u/s 324 IPC at P.S Baba Haridass Nagar, Delhi on the basis of a settlement arrived at between the parties.

4. Mr.Sundaram, learned counsel for the petitioners submits that the petitioners as also the respondent nos.2 are neighbours living in the same locality for the last many years. On 01.01.2011, as result of some misunderstanding, a quarrel took place between the parties. Consequently, the respondent no.2 filed a complaint against the petitioners leading to the registration of the aforesaid FIR.

5. Mr.Sundaram submits that in the said quarrel, the petitioner no.1 also suffered injuries, but no FIR was registered and he, therefore, filed a complaint case against the respondent no.2 and his associates, of which cognizance has been taken by the learned Trial Court on 21.09.2017. He states that the parties have with the intervention of common friends and senior members of the locality, have now resolved their disputes amicably and entered into a settlement in September, 2018. He further submits that the petitioners volunteer to pay costs that may be directed by this Court and, therefore, prays that the captioned FIR and proceedings emanating therefrom be quashed.

6. The petitioner nos.1, 3 & 4 as also the respondent no.2 are present in Court and have been identified by the Investigating Officer. The respondent no.2 is also represented by a counsel. I have

interacted with the respondent no.2, who states that he has decided to resolve all his differences with the petitioners of his own free will and has entered into a settlement with them without any coercion. He further submits that he does not want the aforesaid criminal proceedings to continue as he does not want any further acrimony with the petitioners who are his neighbours.

7. I have considered the submissions of the learned counsel for the parties and perused the records. Keeping in view the fact that the altercation between the parties arose out of a misunderstanding between neighbours as also the fact that the nature of the injuries alleged to have been caused to the respondent no.2 are only simple as per MLC, no useful purpose will be served in continuing with the criminal proceedings as the same will only lead to further acrimony between them. The ends of justice demand that the FIR and consequential proceedings be quashed.

8. For the aforesaid reasons, the petition is allowed and the captioned FIR and consequential proceedings are quashed, subject to the petitioners paying a sum of Rs.25,000/- as costs to the Delhi Police Martyr's Fund, A/C No.18200110036907, UCO Bank, Delhi, IFSC Code UCBA0001820 within one weeks from today. A copy of the receipt of deposit of costs will be handed over to the Investigating Officer for production before the Trial Court.

10. The petition is disposed of in the above terms.

REKHA PALLI, J

DECEMBER 14, 2018/sr