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

+ **CRL.M.C. 5399/2017**

SURENDER SINGH & ORS Petitioners

Through : Mr Sumit Choudhary, Advocate.

versus

STATE (GOVT OF NCT OF DELHI) & ANR

..... Respondent

Through : Mr Akshai Malik, APP.
ASI Anil Kumar, PS Kanjhawala.

+ **CRL.M.C. 5400/2017**

KULDEEP & ORS Petitioners

Through : Mr Kanwar Kochhar, Advocate.

versus

STATE (GOVT OF NCT OF DELHI) & ANR

..... Respondents

Through : Mr Akshai Malik, APP.
Mr Sumit Choudhary, Advocate for
R-2.
ASI Anil Kumar, PS Kanjhawala.

CORAM:

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

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04.01.2018

Crl. M.A. 21072/2017 (exemption) in CRL.M.C. 5399/2017

Crl.M.A. 21073/2017 (exemption) & CRL.M.C. 5400/2017

Allowed, subject to all just exceptions.

CRL.M.C. 5399/2017 & CRL.M.C. 5400/2017

1. The petitioners in Crl.M.C.5399/2017 seek quashing of FIR No.309/2016 dated 12.08.2016 under Sections 308/34 IPC at Police Station Kanjhawala, Delhi.
2. The petitioners in Crl.M.C.5400/2017 seek quashing of FIR No.310/2016 also dated 12.08.2016 under Sections 451/323/506/34 IPC, Police Station Kanjhawala, Delhi. Though the offences are compoundable, since the FIR No.310/2016 is a cross FIR to the FIR in Crl.M.C.5399/2017, the petitions are taken up for disposal together.
3. Because a scuffle, which took place in the office of the petitioner in Crl.M.C.5399/2017, it is contended, the incident occurred. It is contended that the occurrence was spontaneous and on the spur of the moment without any pre-mediation.
4. The parties have now resolved their disputes with the intervention of neighbours and other respectable members of the Society. The petitioners as well as respondents are present in Court and are identified by their respective counsels as well as the Investigating Officer. They submit that they have settled their disputes and do not wish to press charges against each other.
5. The learned APP submits that since the State machinery was used and substantial time was spent by the Investigating Officer for the investigation of the case and challan has been filed, in case the Court is inclined to quash the FIR, the same should be subject to terms.
6. In view of the fact that the parties have settled their disputes and

they do not wish to press the charges against each other, and no weapon of any kind is involved in the incident, I am of the view that the interest of justice would be served in not relegating the parties to trial and quashing the proceedings. Further, in view of the stand taken by the parties, there is no likelihood of conviction. The interest of justice also demands that the proceedings be quashed.

7. In view of the above, the petition is allowed. The subject FIR No. 309/2016 dated 12.08.2016 under Sections 308/34 IPC Police Station Kanjhawala, Delhi, and the FIR No.310/2016 also dated 12.08.2016 under Sections 451/323/506/34 IPC, Police Station Kanjhawala, Delhi, and the proceedings arising therefrom are quashed, subject to the each of the petitioners in CRL.M.C. 5399/2017 &CRL.M.C. 5400/2017, depositing a sum of Rs. 10,000/- each, within a period of two weeks, with the “*Prisoners Welfare Fund, Jail No. 14, Mandoli*”, Mangal Pandey Marg, Harsh Vihar, Village Mandoli, Delhi.

8. The 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.

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

SANJEEV SACHDEVA, J

JANUARY 04, 2018

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