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

+ **CRL.M.C. 5421/2017**

SACHIN SHARMA

..... Petitioner

Through : Mr Kuldip Singh, Mr Suresh
Chaudhary and Mr Gagan Kumar
Singhal, Advocates.

versus

THE STATE GOVT OF NCT OF DELHI & ANR..... Respondents

Through : Ms Anita Abraham, Addl. PP for the
State.
SI Shri Gopal, PS Shakur Pur.
Ms Bhawna Massay, Advocate for
complainant/R-2 along with
complainant Gopal Bisht.

CORAM:

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

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18.01.2018

Crl. M.A. 21169/2017(exemption)

Allowed, subject to all just exceptions.

CRL.M.C. 5421/2017

1. The petitioner seeks quashing of FIR No.2822/2015 under Sections 307/34 IPC, Police Station Shakarpur.
2. It is contended in the FIR that the complainant was attacked by the petitioner. The incident occurred due to some misunderstanding. The parties reside in the same locality. With the intervention of the

seniors and respectable people of the locality, they have settled their dispute. Learned counsel for the petitioner as well as respondent No.2 contend that they have settled their dispute to restore peace and harmony within the locality.

3. Respondent No.2 is present in Court in person, is represented by counsel and identified by the Investigating Officer. He submits that he does not wish to prosecute the complaint any further.

4. Learned Additional Public Prosecutor for the State, under instructions from the Investigating Officer, submits that only the petitioner has been summoned pursuant to the charge sheet to face trial and the other co-accused had been arrayed in Column No.12 of the Final Report filed under Section 173 of the Code of Criminal Procedure and no summons have been issued to him.

5. Though the injury in the present case is grievous, reference may be had to the decision of the Supreme Court in *Narinder Singh & Others versus State of Punjab & Another*, 2014 (6) SCC 466, wherein in similarly circumstances, the Supreme Court had accepted the plea for quashing of FIR on a settlement, on the premise that the parties have settled their dispute, there is hardly any likelihood of witnesses coming forward in support of the prosecution case and the chances of conviction appeared to be remote.

6. Similarly, in the present case, the dispute has been settled and there is very hardly any possibility that the witnesses will come forward to support the case of the prosecution. Respondent No.2 also

does not wish to press any charges. The evidence is yet to commence. Respondent has also filed an affidavit confirming the Settlement. Continuation of criminal proceedings will be an exercise in futility and justice in the case demands that the dispute between the parties is put to an end and peace is restored; securing the ends of justice being the ultimate guiding factor. It would be expedient to quash the subject FIR and the consequent proceedings emanating therefrom.

7. In view of the above, the subject FIR No.2822/2015 under Sections 307/34 IPC, Police Station Shakarpur as well as the consequent proceedings arising therefrom are quashed. The petitioner shall deposit cost of Rs.10,000/- with the *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.

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

SANJEEV SACHDEVA, J

JANUARY 18, 2018

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