

\$~3

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

+ **CRL.M.C. 5453/2017**

RAJPAL & ORS

..... Petitioners

Through: Mr. Bhupinder Mehtani, Advocate

versus

STATE (GOVT OF NCT OF DELHI) & ANR Respondents

Through: Mr. Akshai Malik, APP for State
ASI Ram Roop, P.S. Subhash Palace

CORAM:

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

%

14.03.2018

1. The petitioners seek quashing of FIR No.778/2001 under Sections 147/148/149/452 IPC; Police Station Saraswati Vihar (now known as Subhash Palace) based on a settlement.

2. Learned counsel for the petitioners submits that the parties have entered into a settlement agreement dated 14.11.2017 through the process of mediation, held at Delhi Mediation Centre, Tis Hazari Courts, Delhi. It is contended that a co-accused Suresh, Son of Attar Singh is since deceased.

3. The allegations against the petitioners are that that there was a property dispute with regard to shop, of which possession was with the respondent No.2. The petitioners are alleged to have come to the shop of the respondent No.2 and attempted to break open the lock to

take physical possession. It is contended that there were civil proceedings pending between the parties with regard to the ownership and possession of the said shop.

4. It is further contended that the parties are neighbours and they have settled their disputes with the intervention of other members of the locality as well as the mediators. The parties have settled the disputes to restore peace and harmony in their locality.

5. Apart from the subject FIR, there were other civil proceedings as well as complaint cases filed inter se the parties which have also been settled. The complaint cases have been compounded and withdrawn and the civil proceedings have also been withdrawn.

6. Respondent No.2 is present in Court in person and is identified by the Investigating Officer. He submits that he has settled the disputes with the petitioners and does not wish to press any charges against the petitioners.

7. In view of the fact that the parties have settled their disputes with a view to restore peace and harmony, the parties being neighbours and the fact that the respondent No.2 does not wish to press any charges against the petitioner, in my view, no fruitful purpose would be served in continuing with the criminal proceedings as there is a slim likelihood of conviction. Further, in view of the fact that the parties have settled their disputes, it would be expedient and in the interest of justice, to quash the subject FIR as well as the consequent proceedings arising there from.

8. In view of the above, the subject FIR No. 778/2001 under Sections 147/148/149/452 IPC; Police Station Saraswati Vihar (now known as Subhash Palace) and the consequent proceedings emanating there from are quashed subject to payment of costs of Rs.20,000/- to be deposited with the '*Prisoners Welfare Fund Jail No.13, Mandoli*', Mangal Pandey Marg, Harsh Vihar, Village Mandoli, Delhi. The costs be deposited within a period of two weeks and receipt of deposit of costs be furnished to the Investigation Officer within a period of three weeks.

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

SANJEEV SACHDEVA, J

MARCH 14, 2018
ns