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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 6342/2018**
BHIM SINGH & ORS Petitioners

Through: Mr. Kanack Pandey, Advocate
with petitioners in person

versus

THE STATE (NCT OF DELHI) & ANR Respondents

Through: Mr. K.K. Ghai, APP with SI
Dharmendra, PS BHD Nagar,
Delhi
Mr. Sundaram, Advocate for
R-2 with R-2 in person

CORAM:

HON'BLE MR. JUSTICE CHANDER SHEKHAR

ORDER

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14.12.2018

CRL.M.A. 496442018 (for exemption)

Allowed, subject to all just exceptions. Application stands disposed of.

CRL.M.C. 6342/2018 & CRL.M.A.49643/2018

1. Issue notice. Notice is accepted by the learned APP on behalf of the State and by learned counsel for respondent No.2.
2. The petitioners have moved the present petition under Section 482 of the Code of Criminal Procedure, 1973 (Cr. PC) for quashing of complaint case No.4997148/2016, titled Rajeev Kumar vs. Bhim Singh & Ors. and the summoning order dated 21.9.2017 and the subsequent proceedings pending before the learned Metropolitan Magistrate, Dwarka Courts, New Delhi.
3. Learned counsel for the petitioners submitted that respondent

No.2 filed an application under Section 156(3) along with complaint case under Section 200 of the Cr. PC for summoning the petitioners under Sections 323/341/452/506/34 of the Indian Penal Code, titled Rajeev Kumar vs. Bhim Singh & Ors. in complaint case No.4997148/2016. After recording the pre-summoning evidence led by respondent No.2, the learned Metropolitan Magistrate summoned the petitioners vide order dated 21.9.2017. Learned counsel for the petitioners further submitted that the parties belong to the same locality and after intervention of common friends, both the parties had settled their disputes amicably and wish to withdraw the cases against each other. Respondent No.2 has filed his affidavit of no objection in respect of quashing of the said complaint case. Learned counsel for the petitioners further submitted that since the petitioners and respondent No.2 have settled all their disputes, no grievance is left against each other and have mutually agreed to withdraw their respective cases.

4. The petitioners and respondent No.2 along with their respective counsel also submitted that the parties have settled their disputes on their own free will, without any force, pressure or coercion.

5. Learned counsel for respondent No.2, present in Court, reiterated and submitted that the settlement has been arrived at between the parties on their own free will, without any force, pressure or coercion and the criminal cross-case filed by the petitioners against the respondent No.2 already stands quashed by the Court of HMJ Rekha Palli today itself in CRL.M.C.6293/2018.

6. The Investigating Officer ('IO') has identified the petitioners as well as respondent No.2. IO has also verified about the quashing of the cross-case by HMJ Rekha Palli today itself.

7. In view of the aforesaid circumstances and the settlement arrived at between the parties, this Court is of the view that no fruitful purpose would be served in keeping the parties entangled in the criminal proceedings. Accordingly, in the interest of justice, complaint case No.4997148/2016, titled Rajeev Kumar vs. Bhim Singh & Ors. and the summoning order dated 21.9.2017 and the subsequent proceedings pending before the learned Metropolitan Magistrate, Dwarka Courts, New Delhi are quashed, subject to the petitioners depositing Rs. 10,000/- with the Delhi High Court Advocates' Welfare Fund within ten days. The petitioners shall also deposit Rs.5,000/- with Delhi Police Martyrs' Fund, Account No.18200110036907, UCO Bank, IFSC Code:UCBA0001820 within ten days and the receipts of the same be filed in the Registry of this Court within twenty days and copies of the said receipts shall also be handed over to the learned APP through the IO. In case the petitioners fail to deposit the aforesaid amount, the prosecution shall be entitled to move an application for passing appropriate orders.

8. Petition is disposed of in above terms. Pending application is also disposed of.

CHANDER SHEKHAR, J

DECEMBER 14, 2018/tp