

\$~25

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

+ CRL.M.C. 6334/2018 & CrI.M.A. Nos.49590/2018, 49591/2018

OM PRAKASH

..... Petitioner

Through: Mr.Nalin Tripathi with Ms.Chanchal
Sharma, Advs. with petitioner in
person.

versus

STATE & ANR

..... Respondents

Through: Mr.Amit Chadha, APP with SI Sunil
Kumar, PS Govind Puri
Mr.Adarsh Priyadarshi & Mr.B.
Bhatt, Advs. for R-2 with R-2 in
person.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

% **13.12.2018**

1. Vide the present petition filed u/s 482 Cr.P.C., the petitioner seeks quashing of FIR No.0238/2016 registered u/s 341/323/506/356/379/34 IPC at P.S Govind Puri, Delhi on the basis of a Compromise deed executed between the parties on 07.12.2018.

2. Learned counsel for the petitioner submits that the petitioner and respondent no.2 are residing in the same locality for the last many years. On 24.06.2018, on account of the petitioner's tenant, parking his vehicle in front of the respondent no.2's house, a dispute arose between the parties and complaint was lodged by the respondent no.2 wherein the petitioner was also named, even though he was

admittedly not present at the site. Based on the respondent no.2's complaint, the captioned FIR was registered, wherein the petitioner has been arrayed as an accused.

3. Learned counsel for the petitioner submits that the parties have now with the intervention of neighbours and common friends, resolved their disputes amicably and entered into a settlement and executed a compromise deed on 07.12.2018. He further submits that the petitioner volunteers to pay costs as may be directed by this Court and therefore, prays that the FIR and the consequential proceedings be quashed.

4. The petitioner as also respondent no.2 are present in Court and have been identified by the Investigating Officer. Respondent no.2 is also represented by a counsel. I have interacted with the respondent no.2 who states that he had made complaint in the heat of the moment without realising that the petitioner was not even present at the spot. He submits that he does not want the criminal proceedings to continue against the petitioner as he has now realised that the petitioner was not even present at the spot and may have not known the persons, who were involved in harassing him at the spot. He also, therefore, prays that the FIR and consequential proceedings be quashed and states that he also does not want any further acrimony with the petitioner who is his neighbour.

5. I have considered the submissions of the learned counsel for the parties and perused the records. Keeping in view the fact that the FIR emanates from a dispute between neighbours due to some misunderstanding, especially qua the role of the petitioner, which

dispute already stands resolved amicably as also the fact that the respondent no.2 categorically states that the petitioner was not present at the spot and the complaint against him was made under a misapprehension that the petitioner was responsible for his harassment, in my opinion, no useful purpose will be served in continuing with the criminal proceedings. The ends of justice demand that the FIR and consequential proceedings be quashed qua the petitioner.

6. For the aforesaid reasons, the petition is allowed and the captioned FIR and consequential proceedings are quashed qua the petitioner, subject to the petitioner and respondent no.2 paying a sum of Rs.25,000/- each as costs to the BSF Welfare Fund, A/c No.10591438648, IFSC Code SBIN0007837 within four weeks from today. A copy of the receipt of deposit of costs will be handed over to the Investigating Officer.

7. The petition is disposed of along with the pending applications in the above terms.

REKHA PALLI, J

DECEMBER 13, 2018

gm