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

+ **CRL.M.C. 6352/2018**

SUNDER

..... Petitioner

Through: Mr. P.K. Singh, Adv.

versus

STATE (GOVT OF NCT OF DELHI) & ANR ... Respondent

Through: Mr. Kamal Kumar Ghei, APP
with SI Vipin Kumar, PS
Kalyanpuri, Delhi
R-2 in person

CORAM:

HON'BLE MR. JUSTICE CHANDER SHEKHAR

ORDER

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20.12.2018

1. The petitioner has filed the present petition under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.1033/2015 under Section 308 of the Indian Penal Code, 1860 ('IPC'), registered at Police Station Kalyanpuri, Delhi and the proceedings emanating therefrom.
2. Learned counsel for the petitioner as well as respondent No.2 submitted that the parties have amicably settled their matter vide Settlement/Compromise Deed dated 5.10.2018 on their own free will, without any force or coercion with the intervention of the family members and respectable people of the locality and they are now living harmoniously. Learned counsel for the petitioner further submitted that both the parties are relatives. The parties assured the Court that they shall not fight in future and shall live as good citizens

and may be given a chance to live peacefully.

3. Learned counsel for the petitioner further submitted that the petitioner had tendered his unconditional apology to the respondent No.2 after the incident and the respondent No.2 has already forgiven him. The petitioner has assured this Court that in case he gets involved in any criminal activity, the orders, if any, passed today, may be recalled.

4. Respondent No.2 reiterated the aforesaid facts and stated that the matter between the parties stands settled on their own free will, without any force or coercion and the parties are now living peacefully. Respondent No.2 further submitted that in view of the compromise deed executed between the parties, the present petition may be allowed and the FIR may be quashed.

5. Investigating Officer (I.O.) has identified the petitioners as well as respondent No.2 and has also verified about the settlement arrived at between the parties.

6. Status report has been filed wherein it is stated that the petitioner was also previously involved in a criminal case FIR No.74/2003, under Sections 324/34 of IPC, Police Station Kalyanpuri in which he has been acquitted.

7. Taking into consideration the relationship between the parties and their assurance to the Court as well as the unconditional apology tendered by the petitioner to the respondent No.2, the age of the petitioner and his intention of reformation and reintegration into the mainstream of the society as a productive member 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, FIR No.1033/2015 under Section 308 of the IPC, registered at Police Station Kalyanpuri, New Delhi and the proceedings emanating therefrom are quashed, subject to the condition that the petitioner shall deposit, within ten days, a sum of Rs.5,000/- with the Advocates' Welfare Fund, Bar Council of Delhi bearing A/c No.010104000269810, UCO Bank, Delhi High Court Branch and Rs.5,000/- with the Delhi Police Martyrs' Fund, Account No.18200110036907, UCO Bank, IFSC Code:UCBA0001820 and the receipts of the said deposit be filed in the Registry within 2 weeks and a copy of the said receipts shall also be handed over to the APP through the I.O. within 2 weeks. In case the petitioner fails 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.

CHANDER SHEKHAR, J

DECEMBER 20, 2018/rk