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

Date of decision: 21.10.2019

+ CRL.M.C. 5388/2019

NAVED & ANR.

..... Petitioners

Through Mr.Gaurav Saini, Adv. with
petitioners in person.

versus

STATE & ANR.

..... Respondents

Through Mr.K.K. Ghai, APP for State.
ASI Kailash Chander PS Jamia
Nagar.
Mr.Anees Ahmad, Adv. for R-2 with
R-2 in person.

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

J U D G M E N T (O R A L)

Crl.M.A. 38725/2019 (Exemption)

1. Allowed, subject to all just exceptions.
2. This application is, accordingly, disposed of.

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3. Vide the present petition, the petitioner seeks direction thereby quashing of the FIR No.123/2019 dated 06.07.2019 registered at Police Station Jamia Nagar for the offences punishable under section 356/379/34

IPC and consequent proceedings arising therefrom.

4. The present petition has been filed on the ground that the petitioners and respondent no.2/complainant have amicably settled all their disputes and respondent no.2 has no objection if the present petition is allowed.

5. Respondent No.2 is personally present in Court with his counsel and he has been identified by ASI Kailash Chander/IO and submits that his bike was snatched by petitioner no.1 and thereafter he received his bike from the police station after a month.

6. He submits that he is a teacher and earns his livelihood by tutoring students and he does not wish to prosecute the matter any further.

7. Learned APP appearing on behalf of the State has opposed the present petition by submitting that there are serious allegations against the petitioners, therefore, let them face a trial, however, if this court is inclined to quash the FIR, heavy cost may be imposed upon the petitioners.

8. It is admitted by petitioner no.1 that he took lift from petitioner no.2 and thereafter, upon seeing respondent no.2/complainant was coming on his bike, Petitioner No. 1 got down from his vehicle and started discussing the respondent no.2. Thereafter, he took over Respondent No. 2's bike and asked petitioner no.2 to go away from that place. After these events,

Petitioner No. 1 took Respondent No. 2's bike to his residence.

9. Since there is no fault of petitioner no.2, who simply gave lift to petitioner no.1, therefore, while quashing the FIR, I am not inclined to impose cost upon petitioner no.2.

10. Learned counsel appearing on behalf of the petitioner no.1, on instructions from petitioner no.1 who is present in court, has come forward and agreed to pay an amount of ₹ 50,000/- for welfare purposes.

11. Accordingly, petitioner no.1 is directed to pay an amount of ₹ 50,000/- within two weeks from today and out of the said amount, amount of ₹35,000/- shall be paid in favour of respondent no.2/complainant and balance amount of ₹15,000/- shall be paid in favour of Delhi High Court Advocate Welfare Funds.

12. It is made clear that if the amount is not paid within the stipulated time as directed by this court, Registrar General of this court shall ensure the recovery as per the law.

13. For the reasons afore-recorded, FIR No.123/2019 dated 06.07.2019 registered at Police Station Jamia Nagar for the offences punishable under section 356/379/34 IPC and consequent proceedings arising therefrom are quashed.

14. The petition is allowed and disposed of accordingly.
15. Order *dasti*.

(SURESH KUMAR KAIT)
JUDGE

OCTOBER 21, 2019
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