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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 97/2019**
KAILASH & ANR Petitioners

Through: Mr. Amit Sharma, Advocate

versus

THE STATE & ORS Respondents
Through: Mr. Panna Lal Sharma, APP
with SI Shiv Murti, PS:Kalyan
Puri, Delhi
Mr. Ashish Garg, Advocate for
respondent Nos.2 & 3

CORAM:
HON'BLE MR. JUSTICE CHANDER SHEKHAR

ORDER

% **14.01.2019**

CRL.M.A.435/2019

Allowed, subject to all just exceptions. The application is disposed of.

CRL.M.C. 97/2019

1. The petitioners have moved the present petition under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.433/2016, under Sections 452/323/354-B/509/506/34 of the Indian Penal Code, 1860, registered at PS:Kalyan Puri, Delhi and the proceedings emanating therefrom.

2. The petitioners and respondent Nos.2 and 3 as well as their respective counsel submitted that on 7.10.2016, a scuffle

took place between the parties due to some misunderstanding and on the complaint of respondent No.2, the aforesaid FIR was registered against the petitioners and thereafter a charge-sheet was filed by the Investigating Officer ('IO'). It is also submitted that a cross-FIR, being FIR No.434/2016, under the same sections, was filed by the petitioner No.1 against the respondent No.3 and his relatives at the same police station.

3. It is further submitted by the parties as well as their respective counsel that with the help of respectable people of the society, the parties have settled their disputes on their own free will, without any force or coercion vide Compromise Deed dated 29.10.2018. It is also submitted that the aforesaid cross-FIR is listed in the High Court today itself.

4. The IO, who is present in Court, has identified the petitioners as well as respondent No.2 and has also verified about the said Compromise Deed. The IO has also stated that there is no case pending between the parties, except the aforesaid cross-FIR.

5. I am of the view that a chance of reformation should be given to the petitioners and allow them to reintegrate into the society and live as good citizens.

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, FIR No.433/2016, under Sections 452/323/354-B/509/506/34 of the Indian Penal Code, 1860, registered at PS:Kalyan Puri, Delhi and the proceedings emanating therefrom are quashed, subject to the condition that the petitioners shall deposit, within ten days, a sum of Rs.10,000/- in the Delhi High Court Advocates' Welfare Trust and respondent Nos.2 and 3 shall also deposit, within ten days, a sum of Rs.10,000/- in 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 3 weeks and a copy of the said receipts shall also be handed over to the APP through the I.O. within 3 weeks. In case the petitioners and respondent Nos.2 and 3 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 the above terms.

CHANDER SHEKHAR, J

JANUARY 14, 2019

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