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

+ **W.P.(CRL) 533/2019**

ZAKIR HUSSAIN & ANR

..... Petitioners

Represented by: **Mr.Amitej Kumar Nagar, Advocate**

versus

STATE & ORS.

..... Respondents

Represented by: **Ms.Nandita Rao, ASC for the State
with SI Satyavir Singh, PS Tigri
Mr.Rupendra Pratap Singh, Advocate
for R-2 to R-4**

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

% **19.02.2019**

Crl.M.A.No.3686/2019

Allowed subject to just exceptions.

W.P.(Crl.) No.533/2019 & Crl.M.A.No.3685/2019

1. By this petition, the petitioners seek quashing of FIR No.34/2019 under Sections 326/34 IPC registered at PS Tigri on the complaint of respondent No.2 and the proceedings pursuant thereto on the ground that the parties have settled the matter.

2. Learned Additional Standing Counsel for the State on instructions submits that in the above noted FIR the two petitioners of whom petitioner No.2 is a minor have been arrayed in the FIR to have allegedly committed the offence are the only accused and the respondent No.2 the complainant/victim besides whom the respondent Nos.3 and 4 are the other two victims.

W.P.(CRL) 533/2019

page 1 of 3

3. Respondent Nos.2, 3 and 4 who are present in Court and are identified by the learned counsel and Investigating Officer state that they have settled the matter with the petitioners who are living in their neighbourhood vide memorandum of understanding and the addendum to the memorandum of understanding dated 6th February, 2019 copy whereof annexed as Annexure P-6 to the present petition and in terms of the settlement and as the parties are living in neighbourhood, they do not wish to pursue the abovenoted FIR and the proceedings pursuant thereto. They also undertake to abide by the terms of settlement arrived at between the parties.

4. Petitioner No.1 is present in Court along with petitioner No.2 and are identified by the learned counsel. Petitioner No.1 on his behalf and on behalf of his minor son petitioner No.2 affirms the statement of respondent Nos.2 to 4 and undertake to abide by the terms of settlement arrived at between the parties. He also assures that no such misconduct will take place in future and to show remorse undertakes to deposit cost.

5. In view of the fact that the parties have amicably resolved their differences of their own free will, volition and without any coercion and no useful purpose will be served in continuance of the proceedings, it would be in the interest of justice to quash the abovementioned FIR and the proceedings pursuant thereto. There is no legal impediment in quashing the FIR in question.

6. Consequently, FIR No.34/2019 under Sections 326/34 IPC registered at PS Tigri and proceedings pursuant thereto are hereby quashed subject to petitioner No.1 depositing a cost of ₹20,000/- with the Delhi High Court Staff Welfare Fund within four weeks.

7. Petitioner No.1 on his behalf and on behalf of petitioner No.2 his minor son and respondent Nos.2, 3 and 4 have signed this order sheet in acknowledgment of their statements made before this Court.
8. Petition and application are disposed of. Order dasti.

MUKTA GUPTA, J.

FEBRUARY 19, 2019
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