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

+ W.P.(CRL) 767/2019, CrI. M. A. No. 5632/2019 (Stay)

UMESH ARORA & ORS..

..... Petitioners

Through: Mr. Ashu Arora, Advocates with petitioners
in person.

versus

STATE & ORS.

..... Respondents

Through: Mr. Avi Singh, ASC for the State with
Inspector Indraj Singh, DIU/West District.
Mr. Manish Arora, Advocate with
respondent Nos. 2 and 3 in person.

CORAM:

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

ORDER

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29.03.2019

The instant petition has been filed by the petitioners seeking quashing of the FIR No. 139/2018 under Sections 354A/323/506/509/341/452/34 of the Indian Penal Code registered at Police Station – Hari Nagar, Delhi on the complaint of respondent No.2 on the ground that a compromise/settlement dated 10.09.2018 has been arrived at between the parties in the matter.

All the petitioners and respondent No. 2 & 3 are present in Court today and have been identified by the learned counsel for the petitioners and Investigating Officer, respectively. Respondent No.2 and 3 state that they have settled the matter with the petitioners with their own free will and choice without any threat, pressure and coercion as per Settlement Deed dated 10.09.2018. Respondents No. 2 and 3 submit they do not wish to

pursue the abovementioned FIR and the proceedings thereto. Both parties undertake to abide by the terms of the Settlement Deed dated 10.09.2018.

Petitioner had made several complaints against the respondents No. 2 and 3 before the different authorities i.e. The Commissioner of Police, Prime Minister Office, DCP Rajouri Garden, Deputy Commissioner of Police (Vigilance) and SHO, PS-Hari Nagar as stated in Para 3 of the MoU dated 10.09.2018. These complaints are reported to have been withdrawn and letters in this respect have already been provided to the Investigating Officer.

The question which arises for consideration that whether the FIR in the instant case can be quashed as the Section 354(A) IPC involved, is a non-compoundable offence.

In CrI.M.C. 1988/2017 titled as *Yumnam Marjit Singh vs State & Anr*, the Coordinate Bench of this Court, while relying on the case of *Gian Singh vs. State of Punjab (2012) 10 SCC 303* and *B.S. Joshi & Ors vs. State of Haryana & Anr. 2003 (4) SCC 675*, had quashed the case wherein the offence under Section 354(D) was involved.

Keeping in view the fact that the parties have amicably resolved their differences voluntarily and out of their own free will and without any coercion, pressure, 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.

Consequently, FIR No. 139/2018 under Sections 354A/323/506/509/341/452/34 of the Indian Penal Code registered at Police Station – Hari Nagar, Delhi and proceedings pursuant thereto are hereby quashed.

The petition along with pending application, is disposed of.

SANGITA DHINGRA SEHGAL, J

MARCH 29, 2019
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Petitioner No. 1

Respondent No. 2

Petitioner No. 2

Respondent No. 3

Petitioner No. 3