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

+ **W.P.(CRL) 1098/2019**

AKASH RAWAL

..... Petitioner

Through Ms Meenu Tuneja, Advocate .

versus

THE STATE (GOVT. OF NCT OF DELHI) & ANR..... Respondents

Through Ms Nandita Rao, ASC for State.

Ms Kusum Dhalla, APP for State.

SI Devendra Singh, IO. PS Jafarabad, Delhi.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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13.09.2019

1. The petitioner has filed the present petition, *inter alia*, praying that FIR No. 58/2019 under Sections 308/34 of the Indian Penal Code, 1860 (IPC) registered at P.S. Jafrabad, Delhi and all other proceedings emanating therefrom, be quashed.
2. The said FIR was registered at the instance of respondent no.2 (Arun Rawal). The allegation against the petitioner is that he had attacked respondent no.2 with a glass bottle on account of which, respondent no.2 had suffered injuries.
3. It is the petitioner's case that this is a case of mistaken identity where an altercation took place. The petitioner states that he had gone to a *lagan* Ceremony, but had left the premises and thereafter, some altercation had taken place. However, at the material time, respondent no.2 had identified the petitioner as the person who had attacked him with the glass bottle.

4. The learned APP appearing for the State submits that the injuries suffered by respondent no.2 are not grievous.

5. The learned counsel appearing for the petitioner submits that the petitioner and respondent no.2 have amicably resolved all their differences and disputes. They have also entered into a Memorandum of Understanding dated 26.02.2019, wherein it has been stated that an altercation had occurred among the persons present in the said ceremony. The said persons had consumed liquor and were in an inebriated condition. It is stated that respondent no.2 had stated in the said settlement that there is no clarity about the incident. Respondent no.2 has undertaken that he shall take all steps to ensure that the FIR in question be quashed. The petitioner has also assured respondent no. 2 that he would provide all assistance for his medical treatment and also bear the expenses for the same. Both the parties have agreed that they shall not raise any claims of any nature against each other.

6. Respondent no. 2 is present in Court. He is identified by the Investigating Officer. He states that he has resolved the disputes with the petitioner and does not wish to pursue the FIR in question. The petitioner also states that he has no grievance against respondent no.2.

7. In view of the above, this Court considers it apposite to quash the said FIR and all proceedings emanating therefrom. However, the Court also considers it apposite to impose a cost of ₹5000/- on the petitioner. The cost shall be deposited with the Delhi High Court Legal Services Committee within a period of two weeks from today. Subject to the cost being deposited, FIR No. 58/2019 under Sections 308/34 of the IPC registered at P.S. Jafraabad, Delhi and all other proceedings arising therefrom, are quashed.

8. The petitioner and respondent no.2 shall sign this order as an acknowledgement of the statements recorded herein.
9. The petition is allowed in the aforesaid terms.
10. Order *dasti* under the signature of Court Master.

VIBHU BAKHRU, J

SEPTEMBER 13, 2019

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