

\$~35, 38,39,40 & 41

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

% Judgment delivered on: 14.08.2019

+ W.P.(CRL) 2627/2018 & Crl. M.A. 31326/2018, 33540/2018,
2703- 2704/2019, 11227/2019

PURNIMA UPPAL & ORS Petitioners

versus

STATE (NCT OF DELHI) & ANR Respondents

+ W.P.(CRL) 1545/2019

DEEPA ARYA Petitioner

versus

THE STATE & ANR Respondents

+ W.P.(CRL) 1546/2019

MS. DEEPA ARYA Petitioner

versus

THE STATE & ANR Respondents

+ W.P.(CRL) 1548/2019

DEEPA ARYA Petitioner

versus

THE STATE & ANR Respondents

+ W.P.(CRL) 1550/2019

DEEPA ARYA Petitioner

versus

THE STATE & ANR

..... Respondents

Advocates who appeared in this case:

For the Petitioner : Mr. Vipin Kumar Anand & Mr. Jhakur Sumit,
Advs. Mr. Prashant Sharma, Adv. with petitioners
in person.

For the Respondent: Mr. Rahul Mehra, Standing Counsel with Mr.
Hirein Sharma, Addl. PP for the State with ACP
V.K. Pandey, Inspr. Mukesh Singh, Inspr. Bhushan
Azad, Inspr. Lokesh Sharma and Inspr. Anil Kumar,
SI Brijesh and SI Rachna, PS Sabzi Mandi

Mr. Vipin Kumar Anand & Mr. Jhakur Sumit,
Advs. For R-2

CORAM:
HON'BLE MR. JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

1. Petitioners, in W.P. (Crl.) 2627/2018, seek quashing of FIR No. 14/2018 under Sections 387/454/427/354-D506/509/120-B IPC registered at Police Station Special Cell. subject FIR was registered on the complaint of Ms. Deepa Arya against the petitioners as also against SI Naresh Kumar alleging house-breaking, assault, abduction, threatening and intimidation on the ground that the petitioners had at the instigation of her brother entered into a conspiracy to interfere in her ownership rights in a property gifted to her by her mother.

2. Ms. Deepa Arya Petitioner, in W.P. (Crl.) 1545/2019, seeks quashing of FIR No. 82/2017 under Sections 387/509 IPC registered at Police Station Safdarjung Enclave. She in W.P. (Crl.) 1546/2019, seeks quashing of NCR No. 55/2018 under Section 500 IPC registered at Police Station Sabzi Mandi. In W.P. (Crl.) 1548/2019, she seeks quashing of FIR No. 242/2018 under Section 379 IPC registered at Police Station Sabzi Mandi and further in W.P. (Crl.) 1550/2019, she seeks quashing of NCR No. 90/2017 under Section 506 IPC registered at Police Station Safdarjung Enclave. Said FIRs are FIRs/Non Cognizable Reports on the complaint of the Petitioners in W.P. Crl. 2627/2018.

3. Subject FIRs/NCRs emanate out of a family disputes and the petitioners and the respective complainants are members of the extended family.

4. Since parties are members of the extended family, they were referred to Delhi High Court Mediation and conciliation Centre. Parties have entered into settlement dated 15.05.2019, whereby all disputes inter-se the parties have been resolved.

5. Petitioners as also complainant – Ms. Deepa Arya are present in Court in person. They confirm the settlement agreement dated 15.05.2019 and undertake that they shall abide by the terms and conditions of the said settlement agreement. The undertaking is accepted.

6. Ms. Deepa Arya further submits that since she has settled with the petitioners she does not wish to prosecute and charges or the allegations against the petitioners and also Sub Inspector Naresh Kumar.

7. As per the settlement agreement, a sum of Rs. 15 lakhs is to be paid to Ms. Deepa Arya, complainant in the first installment. Said settlement amount of Rs. 15 lakhs has been paid in Court today by way of Pay Orders bearing Nos. 334508 dated 07.07.2019 for a sum of Rs. 5 lakhs issued by Oriental Bank of Commerce, 655898 dated 11.07.2019 for a sum of Rs. 5 lakhs issued by Allahabad Bank and 655897 dated 11.07.2019 for a sum of Rs. 5 lakhs issued by Allahabad Bank favouring Ms. Deepa Arya.

8. It is undertaken by the petitioners in W.P. Crl. 2627/2018 that as per the settlement agreement, the guards placed by the petitioners in premises No. 3/5 Rani Jhansi Road, Pahar Ganj, New Delhi shall be removed during the course of the day and the vacant peaceful possession of the premises, presently under their lock and key, shall be handed over to Ms. Deepa Arya on the conclusion of terms and conditions of this settlement. This undertaking is also accepted.

9. In view of the fact that the parties are family members and have resolved their disputes and the respective complainants do not wish to press their complaints, continuation of criminal proceedings will be an exercise in futility and justice in the case demands that the dispute

between the parties is put to an end and peace is restored; securing the ends of justice being the ultimate guiding factor. It would be expedient to quash the subject FIRs and the consequent proceedings emanating there from.

10. Accordingly, the petitions are allowed. FIR No. 14/2018, under Sections 387/454/427/354-D/506/509/365/120-B/34 of the IPC Police Station Special Cell, FIR No. 82/2017 under Sections 387/509 of the IPC at Police Station Safdarjung Enclave, NCR No. 55/2018 under Section 500 IPC Police Station Sabzi Mandi, FIR No. 242/2018 under Section 379 IPC Police Station Sabzi Mandi and NCR No. 90/2017 under Section 506 IPC Police Station Safdarjung Enclave and the consequent proceedings emanating there from are quashed.

11. Petitioners have volunteered to contribute to the society by planting trees. Accordingly it is directed that Ms. Deepa Arya shall plant 100 trees and Ms. Purnima Uppal, Mr. S.M. Goel, Mr. Gaurav Goel and Sub Inspector Naresh Kumar shall each plant 50 trees within a period of two weeks from today.

12. Petitioners, for the aforesaid purpose shall report to the Deputy Conservator of Forests (West), who shall assign them duty to plant the trees in Central Ridge Reserve Forest, Budha Jayanti Park, Vandemataram Marg, New Delhi. The plants/trees shall be of deciduous indigenous variety with a nursery age of three and a half years, and a height of at least six feet. Depending upon the soil type

and topography, the DCF may consider the following types of trees for plantation:-

(i)	<i>Gular (Cluster Fig)</i>	(ii)	<i>Kadamba (Burflower Tree)</i>
(iii)	<i>Pilkhan (White Fig)</i>	(iv)	<i>Jaamun (Black Plum)</i>
(v)	<i>Bargad (Banyan Tree)</i>	(vi)	<i>Mango</i>
(vii)	<i>Amaltas (Golden Shower)</i>	(viii)	<i>Mahua (Butter Tree) [Indian Laburnum]</i>
(ix)	<i>Putranjiva</i>	(x)	<i>Badh</i>
(xi)	<i>Sagwan (Teak Wood)</i>	(xii)	<i>Safed Siris (Albizia Procera)</i>
(xiii)	<i>Kala Siris</i>	(xiv)	<i>Anjeer</i>
(xv)	<i>Kathal- Jackfruit</i>	(xvi)	<i>Palash</i>
(xvii)	<i>Arni</i>	(xviii)	<i>Bistendu</i>
(xix)	<i>Rohida</i>	(xx)	<i>Medshingi</i>

13. An affidavit of compliance shall be filed by the petitioners as well as the DCF, failing which the Registry shall list the case for directions. Aerial pictures, prior to and after the afore-directed plantation, shall be obtained by the DCF and filed along with his affidavit. Similar quarterly updates shall be obtained by him to monitor and ensure the upkeep of the said plantation. A Report of the

same shall be filed six months after the plantation, along with fresh photographs to show the health/status of the plantation. In case of default, the Registry shall list the case for directions.

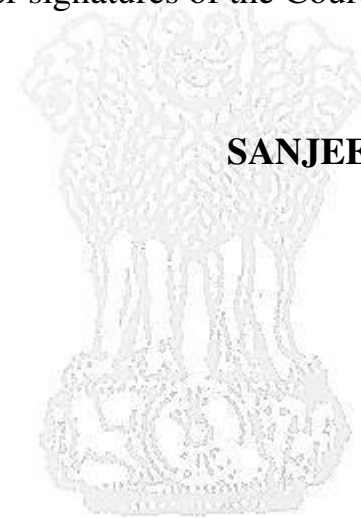
14. The petitions are accordingly, disposed of in the above terms.

15. Copy of the order be communicated to the concerned Deputy Conservator of Forests (West).

16. Order *Dasti* under signatures of the Court Master.

AUGUST 14, 2019
'rs'

SANJEEV SACHDEVA, J



भारतमेव जयते