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

+ **W.P.(CRL) 2128/2019 & CRL.M.A. 32579/2019**

SH. CHANDAN GUPTA & ORS. Petitioners

Through: Mr Gajinder Kumar and Mr Chandra
Shekhar, Advocates.

versus

STATE & ORS. Respondents

Through: Mr Vivek Anand, Ms Nitika Bhutani
and Ms Preeti Tanwar, Advocates for
respondent.
Ms Nandita Rao, ASC for State with
SI Niraj Kumar, PS Pandav Nagar.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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27.09.2019

1. The petitioners have filed the present petition, *inter alia*, praying that FIR No.0470/2012 under Sections 307/323/325/452/427/506/147/148/149 of the IPC registered with PS Pandav Nagar and all proceedings emanating therefrom, be quashed.
2. The said FIR was registered at the instance of respondent no.2 (Rahul Chaudhary).
3. It is stated that the accused (petitioners herein) reside in the same locality as respondent nos.2 to 6. Respondent no.2 had reported that the accused had come to his shop with hockey sticks and rods and had attacked them.
4. Respondent nos.2 to 6 are present in the Court today and they state

that they had received injuries on their arms and head and not on any vital parts of the body. They state that the attack on them was not with a murderous intention by any stretch.

5. The respondents further state that the fight took place on account of a misunderstanding, which has now been settled.

6. Although the petitioners have been charged of an offence under Section 307 of the IPC, it is clear from the description of the injuries and the incident provided by respondent nos. 2 to 6, who are present in Court, that an offence under section 307 of the IPC is not made out.

7. The petitioners (except petitioner no.2) are present in the Court and are identified by their counsel. They state that they have no grievance against respondent nos.2 to 6 and they have resolved all their differences with them. This Court is informed that petitioner no.2 (who is the father of petitioner nos.6, 7 and 8) is bed ridden and therefore, is unable to come to this Court.

8. The petitioners have also volunteered to deposit a sum of ₹50,000/- with the Delhi Police Martyrs Fund. The petitioners also undertake to maintain peace and to not indulge in any such acts in future. They also state that they fully understand that if any offence is committed in future, the fact that they are involved in this FIR shall be held against them, notwithstanding that the FIR in question had been quashed.

9. In view of the statement made by the petitioner nos.1, 3 and 8 and respondent nos.2 to 6, this Court considers it apposite to quash the FIR in question.

10. In view of the above, subject to the petitioner depositing costs of ₹50,000/- with the Delhi Police Martyrs Fund, FIR No.0470/2012 under

Section 307/323/325/452/427/506/147/148/149 of the IPC registered with PS Pandav Nagar and all proceedings emanating therefrom, are quashed.

11. Petitioner nos. 1 and 3 to 8 and respondent nos.2 to 6 shall sign this order as an acknowledgment of their statements recorded herein.

VIBHU BAKHRU, J

SEPTEMBER 27, 2019/MK