

\$~20

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

Date of decision: 18.12.2019

+ CRL.M.C. 4076/2019

ERIC PAUL

..... Petitioner

Through Mr. S. Gowthaman, Adv.

versus

STATE & ORS.

..... Respondents

Through Mr. Izhar Ahmed, APP for State
SI Jasmer Singh, PS Jahangir Puri
Ms. Shivani Jena with Mr. S. Muthu
Krishanan, Adv. for R-2to 4

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

J U D G M E N T (O R A L)

1. Vide the present petition, the petitioner seeks directions thereby for quashing of FIR No. 47/2012 dated 18.02.2012, registered at Police Station Jahangir Puri and all other proceedings emanating therefrom. The petitioner further seeks directions thereby, to compound the offence under section 279 of IPC with regard to petitioner who is the accused in CC no. 18/2 of 2012 before the Ld. Metropolitan Magistrate, Rohini Court, Delhi considering the settlement arrived at between the petitioner and complainant.

2. Notice issued.
3. Notice is accepted by learned APP for the State and counsel for the respondent no.2 to 4.
4. With the consent of the counsel for the parties, the present petition is taken up for final disposal.
5. The present petition is filed on the ground that the Ld. Trial court has compounded the offence under Section 338 of IPC vide order dated 13.05.2016 passed by Ld. MM (N), Rohini Court, Delhi.
6. The complainant and the injured persons are the chief witnesses of the prosecution and have already received compensation from the petitioner and compounded the major offence disclosed in the charge sheet. Hence, the trial is not proceeding against the petitioner from the last several date of hearing and the FIR may be quashed.
7. Learned counsel appearing on behalf of respondent nos.2 to 4 submits that and except the respondent no.4 all the aforesaid respondents are personally present in court and submit that they have settled the dispute with the petitioner and do not wish to pursue the case against the petitioner
8. Counsel for the respondent nos.2 to 4 submits that though Ms. Neha is not present today, however, she made application before the Ld. MM that

the matter has been compounded and to this effect she has filed the affidavit which is on record.

9. Keeping in view the settlement arrived between the petitioner and respondent nos. 2 to 5, I hereby quash the FIR No. 47/2012 dated 18.02.2012, registered at Police Station Jahangir Puri and all other proceedings emanating therefrom.

10. The petition is allowed accordingly.

11. Order *dasti*

DECEMBER 18, 2019
ms

(SURESH KUMAR KAIT)
JUDGE

न्यायमेव जयते