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IN THE HIGH COURT OF DELHI AT NEW DELHI

Decided on:- 3rd April, 2019

+ CRL.M.C. 635/2016

RAJKUMAR @ RAJU & ANR Petitioners

Through: Mr. Islam Khan, Adv. with
petitioners in person.

versus

THE STATE (GOVT OF NCT) & ORS. Respondents

Through: Mr. Sanjeev Sabharwal, APP
for the State with SI Satish
Chand PS Pul Prahalad Pur.
Mr. Yogesh Kumar, Adv. for R-
2 & 3.

CORAM:
HON'BLE MR. JUSTICE R.K.GAUBA

ORDER (ORAL)

1. The petitioners are facing trial as accused in criminal case arising out of report (charge-sheet) under Section 173 of the Code of Criminal Procedure, 1973 (Cr.P.C.) submitted on conclusion of investigation into first information report (FIR) no. 290/2010 of police station Pul Prahalad Pur. It appears that on the basis of evidence that was gathered during investigation, the petitioners have been put on trial on the charge for offences under Sections 323/324/452 and 34 of Indian Penal Code, 1860 (IPC), the second and third respondents herein being the victims (injured persons), the incident statedly having taken place on 11.11.2010.

2. The petitioner (the accused), on one hand, and the second and third respondents (the victims), on the other, midway the trial before the court of Metropolitan Magistrate amicably resolved the dispute, the petitioners having agreed to pay to the victims a total amount of Rs. 1 lakh as compensation. The Metropolitan Magistrate recorded their statements to this effect on 14.12.2015. But since some of the offences on which trial is being held are not compoundable, the proceedings could not conclude on such settlement being brought before the Magisterial court.

3. Against the above backdrop, the present petition was filed invoking the inherent power and jurisdiction of this Court under Section 482 Cr.P.C. praying for the case to be quashed.

4. The second and third respondents have filed their respective affidavits sworn on 28.01.2019, *inter alia*, confirming the above-mentioned settlement upon payment of Rs. one lakh as the compensation, Rs. 50,000/- having already been paid before the court of Metropolitan Magistrate on 14.12.2015, such payment having been acknowledged on behalf of the victims by the second respondent. The respondents by the said affidavits further confirm that they have no objection to the prayer in the petition upon the balance payment of Rs. 50,000/- being paid, the petitioners having arranged the said payment in the form of demand draft in the name of third respondent Kuldeep Sharma.

5. The petitioners have paid, and the second respondent has received, executing acknowledgement separately, an amount of

Rs.50,000/- in the form of a demand draft No.238346, dated 02.04.2019, issued by Ujjivan Small Finance Bank, Pul Prahlad Pur for Rs.49,500/- with Rs.500/- in cash, (it being explained that the demand draft for Rs.50,000/- could not be got prepared for want of PAN card details). The copy of the said demand draft has been retained on the record.

6. The learned additional public prosecutor for first respondent/State had submitted on the last date of hearing that though he would not come in the way of the settlement being acted upon so as to bring peace to the parties in a matter of such nature, the case having given rise to State machinery had been put to certain task, it will be appropriate that some costs are also imposed.

7. This court had agreed with the said submissions and directed the petitioners by order dated 29.03.2019 to deposit Rs.25,000/- as costs with Delhi High Court Legal Services Committee. The costs has been deposited accordingly with Delhi High Court Legal Services Committee on 29.03.2019, copy of the receipt of deposit having been placed on record.

8. Having regard to the rulings of the Supreme Court in *Gian Singh vs. State of Punjab*, (2012) 10 SCC 303; *Narinder Singh vs. State of Punjab* (2014) 6 SCC 466 and *Parbatbhai Aahir alias Parbatbhai Bhimsinhbhai Karmur and Others v. State of Gujarat and Another*, (2017) 9 SCC 641, the prayer in the petition is granted.

9. The proceedings in the criminal case arising out of FIR No.290/2010, under Sections 323/324/452/34 IPC of Police Station Pul Prahlad Pur against the petitioners are hereby quashed.

10. The petitions and the applications filed therewith are disposed of in above terms.

R.K.GAUBA, J.

APRIL 03, 2019

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