

\$~5

*

IN THE HIGH COURT OF DELHI AT NEW DELHI

+

CRL.M.C. 5738/2019

MOHSIN & ANR

..... Petitioners

Through: Mr. Rahul Baisoya & Ms.
Shaheen Sheikh, Advocates

versus

STATE & ANR

..... Respondents

Through: Mr. Ashok Kumar Garg, APP
with SI Pradeep Sharma,
PS:Govind Puri, Delhi

CORAM:

HON'BLE MR. JUSTICE CHANDER SHEKHAR

ORDER

%

09.12.2019

CRL.M.A.40042/2019 (for exemption)

Allowed, subject to all just exceptions. Application stands disposed of.

CRL.M.A.40043/2019

1. For the reasons stated therein and the no-objection of learned APP, delay in re-filing the petition is condoned.
2. Application is disposed of.

CRL.M.C. 5738/2019

1. Issue notice. Notice is accepted by the learned APP for the State and by respondent No.2, who is present in Court.
2. The petitioners have filed the present petition under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.305/2013, under Sections

341/323/354A/506/34 of the Indian Penal Code, 1860 ('IPC'), registered at P.S.: Govind Puri, Delhi and the proceedings emanating therefrom.

3. The petitioners and their counsel as well as respondent No.2 submitted that the parties have amicably settled their disputes on their own free will, without any force or coercion vide settlement dated 21.12.2016. Respondent No.2 has also filed an affidavit on record in this regard.

4. Respondent No.2 has reiterated the aforesaid facts and submitted that since the matter stands settled, she has no objection to the petition being allowed and the FIR being quashed.

5. Learned counsel for the petitioners submitted that the petitioners are ready and willing to contribute a sum of Rs.20,000/- for some social beneficial cause in any trust or association.

6. The Investigating Officer ('IO'), who is present in Court, has identified the petitioners as well as respondent No.2 and has also verified the settlement. The IO also submitted that no other criminal case is pending against the petitioners.

7. In view of the aforesaid circumstances, the settlement arrived at between the parties and taking into consideration the age, career and socio-economic background of the petitioners, I deem it appropriate to give them a chance to reform and reintegrate into the society as productive members. The

petitioners are warned to be careful in future and to not indulge in such activities again. Taking into consideration the remorseful attitude of the petitioners, this Court is also of the view that no fruitful purpose would be served in keeping the parties entangled in the criminal proceedings. Accordingly, in the interest of justice, FIR No.305/2013, under Sections 341/323/354A/506/34 of the Indian Penal Code, 1860 ('IPC'), registered at P.S.: Govind Puri, Delhi and the proceedings emanating therefrom are quashed, subject to deposit of Rs.20,000/- by the petitioners within 14 days, out of which Rs.10,000/- be deposited in the Delhi High Court Advocates' Welfare Trust, Rs.5,000/- in the Delhi Police Martyrs' Fund, Account No.18200110036907, UCO Bank, IFSC Code:UCBA0001820 and Rs.5,000/- in the Delhi High Court Staff Welfare Fund SB A/c No.15530110074442 UCO Bank, Delhi High Court and receipts of the deposits be filed in the Registry within 21 days. Copy of the receipts shall also be handed over to the APP through the I.O. within one week thereafter. In case the petitioners fail to deposit the said sum, the prosecution shall be entitled to move an application for passing appropriate orders.

8. Petition is disposed of in above terms.

CHANDER SHEKHAR, J

DECEMBER 09, 2019

tp