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

+ CRL.M.C. 1799/2018

RAKESH KUMAR & ORS

.... Petitioners

Through: Mr. Omkar Pandey, Advocate

versus

THE STATE & ANR

.... Respondents

Through: Mr. Kamal Kumar Ghei, APP
with SI Gabbar Singh, PS
Okhla Industrial Area, Delhi
Mr. Mukesh Kumar and Mr.
Badri Dass, Advocates for R-2

CORAM:

HON'BLE MR. JUSTICE CHANDER SHEKHAR

ORDER

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16.07.2019

1. Learned counsel for the petitioners submitted that one of the accused, namely, Jeetu has expired during the pendency of the petition which fact has been verified by the Investigating Officer.

2. The petitioners have filed the present petition under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.446/2013, under Sections 323/354/452/506/34 of the Indian Penal Code, 1860 ('IPC'), registered at P.S. Okhla Industrial Area, Delhi and the proceedings emanating therefrom.

2. The petitioners and their counsel as well as respondent No.2 submitted that the parties have settled their disputes on

their own free will, without any force or coercion before the Mediation Centre, Saket Courts, New Delhi on 16.11.2015.

3. Respondent No.2, who is present in Court, has reiterated the aforesaid facts and submitted that since the petitioners have tendered unconditional apology to her and have assured that they shall not indulge in any criminal activity in future, she has now forgiven them and has no objection to the petition being allowed and the FIR being quashed.

4. 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.

5. Learned counsel for the petitioners submitted that the petitioners are ready and willing to contribute any amount whichever this Court may deem fit and proper for some social beneficial cause in any trust or association.

6. In view of the aforesaid circumstances, the settlement arrived at between the parties and taking into consideration the age 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 not indulge in any criminal activity again in future. 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.446/2013, under Sections 323/354/452/506/34 of the IPC, registered at P.S.Okhla Industrial Area, Delhi and all the proceedings emanating therefrom are quashed subject to cost of Rs.10,000/- to be paid by the petitioners within 14 days, out of which Rs.2,500/- be deposited in the Bharat Ke Veer Corpus Fund, Rs.2,500/- in the Delhi High Court Advocates' Welfare Trust, Rs.2,500/- with the Delhi Police Martyrs' Fund, Account No.18200110036907, UCO Bank, IFSC Code:UCBA0001820 and Rs.2,500/- 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 21 days. In case the petitioners fail to deposit the said sum, the prosecution shall be entitled to move an application for passing appropriate orders.

7. Petition is disposed of in above terms.

CHANDER SHEKHAR, J

JULY 16, 2019