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

+ **W.P.(CRL) 1187/2018**

RAJ KUMAR & ANR

... Petitioners

Represented by: **Mr.Satya Prakash Gautam, Advocate**

versus

STATE & ORS

... Respondents

Represented by: **Mr.Ranbir Singh Kundu, ASC for the
State with Ms.Suman Saharan,
Advocate
SI Ashwani, PS Jyoti Nagar
Mr.Jyoti Sheel, Advocate for
respondents No.2 to 5**

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

22.01.2019

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By this petition the petitioners seek quashing of FIR No.68/2016 under sections 308/323/341/34 IPC registered at PS Jyoti Nagar, Delhi on the complaint of Respondent No.2 and the proceedings pursuant thereto on the ground that the parties have settled the matter.

Learned Additional Standing Counsel for the State on instructions from Investigating Officer submits that in the above-noted FIR though the complainant stated that besides the two petitioners there were other accused however, no further accused were identified and the charge sheet has been filed only against the two petitioners and respondent No.2 is the

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complainant/victim and respondents No.3 to 5 the other victims. He states that the incident as reflected in the FIR took place when the vehicles of both the parties were crossing the road and because there was not enough space, altercation took place between the parties resulting in quarrel, abuses and injuries to both the parties. He further states that pursuant to the settlement petitioners who also received injuries and had filed a complaint along with an application under Section 156(3) Cr.P.C. before the learned Metropolitan Magistrate have withdrawn the same.

Respondent No.2, 3, 4 and 5 are present in Court and are identified by the Investigating Officer and learned counsel. They state that they have settled the matter with the petitioners vide Memorandum of Understanding dated 23rd February, 2018 copy whereof is annexed as page Nos.47 to 49 of the paper book and in terms of the settlement, they do not wish to pursue the above-noted FIR and the proceedings pursuant thereto. They also state that they will abide by the terms of settlement and assure that no such misbehaviour will take place in future and to show remorse they undertake to deposit cost.

Petitioners who are present in Court and are identified by the learned counsel affirm the statement of respondents No.2 to 5 and assure that no such misbehaviour shall take place in future and to show remorse they undertake to deposit cost.

In view of the fact that in the quarrel, both the parties got injuries and pursuant to the settlement the petitioners have withdrawn the complaint before the learned Metropolitan Magistrate, no useful purpose will be served in continuance of the proceedings and it would be in the interest of justice to

quash the abovementioned FIR and the proceedings pursuant thereto. There is no legal impediment in quashing the FIR in question.

Consequently, FIR No.68/2016 under sections 308/323/341/34 IPC registered at PS Jyoti Nagar, Delhi and proceedings pursuant thereto are hereby quashed subject to the petitioners paying a consolidated cost of ₹5,000/- and the respondents No.2 to 5 also paying a consolidated cost of ₹5,000/- with the Delhi High Court Legal Services Committee within four weeks.

Parties have signed this order sheet in acknowledgment of their statements made before this Court.

Petition is disposed of. Order dasti.

MUKTA GUPTA, J.

JANUARY 22, 2019
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