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

+ **W.P.(CRL) 2573/2018**

VINAY & ORS

..... Petitioner

Represented by: Mr. V.S. Tiwari, Mr. Lokesh Sharma,
Advs.

versus

STATE & ANR

..... Respondent

Represented by: Mr. Sanjay Lao, ASC with SI Ran Vijay
PS Gulai Bagh.
R-2 in person.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

14.01.2019

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Crl.M.A.No.31075/2018

Allowed subject to just exceptions.

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By the present petition the petitioners seek quashing of FIR No. 114/2017 under Sections 308/34 IPC registered at PS Gulabi Bagh, Delhi on the complaint of Respondent No.2 and the proceedings pursuant thereto.

Learned Additional Standing Counsel for the State on instructions from Investigating Officer submits that in the above-noted FIR the allegations were against the three petitioners out of which petitioner No.1 and 3 were major and petitioner No.2 was a juvenile at the time of alleged incident and is now a major. He further states that the respondent No.2 is the only complainant/victim. He states that the charge-sheet qua two petitioners i.e. petitioner No.1 and 3 have been filed under Section 308/34 IPC whereas an enquiry report has been filed against the petitioner No.2 against the Juvenile Justice Board. He further states that the allegations against the petitioner are of giving a danda blow on the head and the injury

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was opined to be simple in nature.

Respondent No. 2 is present in Court and is identified by the Investigating Officer. He states that the petitioner No.3 is his cousin brother being the son of his paternal uncle and petitioner No.2 and 3 are the brother-in-laws of petitioner No.3. He states that on the Diwali day he had gone to wish them Diwali when all of them were drunk and thus the quarrel ensued. He states that he has now settled the matter with the petitioners vide the settlement deed dated 27th August, 2018 copy whereof is annexed as Annexure B to the present petition and he does not wish to pursue the above-noted FIR and the proceedings pursuant thereto. He further undertakes to abide by the terms of settlement and assures that no such misbehaviour will take place in future.

Petitioners who are present in Court and are identified by the learned counsel affirm the statement of respondent No.2 and assure that no such misbehaviour will take place in future.

In view of the fact that the parties are related and simple injury has been caused to respondent No.2 and he does not wish to pursue the above-noted FIR and the proceedings pursuant thereto, it would be in the interest of justice to quash the abovementioned FIR and the proceedings pursuant thereto to bring peace and harmony between the relatives so that no further acrimony continues. There is no legal impediment in quashing the FIR in question.

Consequently, FIR No. 114/2017 under Sections 308/34 IPC registered at PS Gulabi Bagh, Delhi and proceedings pursuant thereto are hereby quashed.

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 14, 2019
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