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

+ CRL.M.C. 6627/2018

SHAKEEL AHMAD @ BABLOO & ANR Petitioners
Through Mr. Mahee Arora, Adv.

versus

THE STATE (NCT OF DELHI) & ANR Respondents
Through Ms. Manjeet Arya, APP with SI
Sumit, P.S. Jamia Nagar
Respondent no.2 in person

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

% **21.01.2019**

Notice. Learned APP accepts notice for respondent no. 1.
Respondent no.2 Mr. Parvez Alam is present in Court and accepts notice.
He has been identified by SI Sumit of police station Jamia Nagar.

After investigation, charge-sheet was filed for the offences under Sections 325/341/506/34 IPC. However, charge under Section 325 IPC was not framed; instead charges under Sections 324/341/506/34 IPC were framed. Additional charge under Section 174-A IPC was also framed against the petitioners as they absconded.

During the trial, petitioners and respondent no. 2 have settled their

disputes amicably. Consequently, offences under Sections 341/506/34 IPC have been permitted to be compounded by the trial court, vide order dated 2nd July, 2018.

By this petition, petitioner and private respondent have prayed for quashing of FIR no. 68/2011 for the offences under Sections 324/34 IPC and Section 174-A IPC in view of the settlement. Respondent no.2 says that he has settled the disputes with petitioners of his own free will and without any undue force and pressure. It is noted that offence under Section 174-A IPC cannot be quashed as this is as a result of non-appearance of the accused in response to the proclamation under Section 82 Cr.P.C.

Considering the nature of allegations in FIR, I deem it fit to quash the aforesaid FIR and the consequent proceedings in respect of Sections 324/34 IPC in view of the settlement arrived at between the petitioners and respondent no.2 voluntarily. However, since Section 174-A IPC is a standalone provision, which has no bearing to the other offences alleged and is not an offence of personal nature inter-se the parties i.e. the petitioners and respondent No.2, this Court refrains from quashing the proceedings qua Section 174-A IPC. Reliance is placed on the order dated 30th September, 2016 passed by a Bench of co-ordinate jurisdiction in Crl. M.C. no.

3683/2016 titled Pradeep Kumar Sehdev vs. The State (Govt. of NCT of Delhi) & Anr.

For the foregoing reasons, FIR and the consequent proceedings are quashed under Section 324/34 IPC. However, trial may continue against the petitioners with regard to the offence under Section 174-A IPC.

Petition is disposed of in the above terms. Dasti.

A.K. PATHAK, J.

JANUARY 21, 2019
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