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

+ **W.P.(CRL) 364/2020**

ALKAR & ORS.

..... Petitioners

Through: Mr H. Pratap Singh, Advocate.

versus

STATE & ORS.

..... Respondents

Through: Mr Avi Singh, ASC for State along
with ASI Vinod Kumar, PS Sarojini
Nagar.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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26.02.2020

CRL.M.A. 2698/2020

1. Exemption is allowed, subject to all just exceptions.
2. The application stands disposed of.

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3. The petitioners have filed the present petition, *inter alia*, praying that FIR bearing no. 0173/2019 under Sections 308/323/34 of the IPC registered with PS Sarojini Nagar and all other proceedings emanating therefrom, be quashed.
4. The said FIR was registered at the instance of respondent no. 2. The FIR relates to an incident that had occurred on 14.09.2019.
5. The reading of the said FIR indicates that a scuffle had broken out between two groups of labourers in regard to a site in E-Block, Netaji Nagar.

The scuffle had turned ugly and both the groups had assaulted each other by bricks and stones and rods lying at the site.

6. The respondents in the present case are also accused in another FIR (FIR bearing no. 0172/2019), which was filed at the instance of the petitioners.

7. The respondents are present in Court and are identified by the Investigating Officer. They state that they have since resolved all their disputes with the petitioners and are apologetic of their behaviour.

8. The petitioners are present in Court and are identified by their counsel. They express deep regret for their conduct.

9. Both the petitioners and respondents state that they had attacked each other in the heat of the moment with articles that were already present at the site and none of them had any intention to inflict any serious injury or the knowledge that their act would result in any serious injury.

10. Given the economic strata from which the petitioners and respondents belong and considering that the scuffle had broken out on account of both the parties seeking to protect their livelihood, this Court considers it apposite to allow the present petition. This is also considering that both the petitioners and the respondents have expressed their deep regret and have assured this Court that they would not indulge in any unruly behaviour in future.

11. Accordingly, FIR bearing no. 0173/2019 under Sections 308/323/34 of the IPC registered with PS Sarojini Nagar and all other proceedings

emanating therefrom, are quashed.

12. The petitioners and respondents shall sign this order as an acknowledgement of their statements recorded herein.

FEBRUARY 26, 2020
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VIBHU BAKHRU, J