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

Date of decision: 02.03.2020

+ CRL.M.C. 1164/2020 & CRL.M.A. 4550/2020

NITIN JAIN & ORS.

..... Petitioners

Through Mr. Sukhbir Singh, Adv.

versus

STATE & ANR.

..... Respondents

Through Mr.Amit Chadha, APP for State.
SI Abodh Sharma, PS Preet Vihar
Insp. Mahendra Kumar Mishra,
SHO/Preet Vihar
Mr. Prasoon Kumar, Adv. for R-2
with Respondent no.2 in person

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

J U D G M E N T (O R A L)

CRL. M.A. 4549/2020

1. Allowed, subject to all just exceptions.

2. Application is disposed of.

CRL.M.C. 1164/2020

3. Vide the present petition, petitioners seek directions thereby for quashing of FIR No. 188/2011 dated 23.07.2011, registered at PS Preet

Vihar and all other proceedings arising therefrom.

4. Notice issued.

5. Notice is accepted by learned APP for State and counsel for respondent no.2 who is present in person and with the consent of counsel for parties, the present petition is taken up for final disposal.

6. The present petition is filed on the ground that parties have settled their disputes and respondent no.2 has no objection if the present petition is allowed.

7. Petitioners and respondent no.2 have entered into an amicable settlement vide settlement cum compromise deed on 01.10.2019.

8. Learned APP has opposed the present petition and submits that due to the registration of FIR, government machinery came in motion and a lot of precious public time has been consumed, therefore, if this Court is inclined to quash FIR, heavy cost may be imposed upon petitioners.

9. Respondent no.2 is personally present in Court and has been identified by Inspector Mahender Kumar. She submits that she has received the settlement amount and she does not want to prosecute the matter against petitioners. She further submits that Sh. Abhinandan Kumar Jain though is not party to the present petition, however, she has no objection if FIR is also

quashed against the aforementioned person.

10. Learned counsel for petitioners, on instructions from petitioners, who are present in Court, has come forward and agreed to contribute an amount of ₹10,00,000/- (Rupees Ten Lacs Only) for welfare purposes.

11. Accordingly, petitioners are directed to pay the said amount in the following manner:-

- (a) Petitioner no.1 shall pay an amount of ₹2,50,000/- (Rupees Two Lacs Fifty Thousand Only) in favour of Delhi Police Martyrs' Fund;
- (b) Petitioner no.2 shall pay an amount of ₹5,00,000/- (Rupees Five Lacs Only) in favour of Indian Army Central Welfare Fund.
- (c) Petitioner no.3 shall pay an amount of ₹2,50,000/- (Rupees Two Lacs Fifty Thousand Only) in favour of Delhi High Court (Middle Income Group) Legal Aid Society.

12. Petitioners are directed to pay this amount within four weeks and receipt of the same shall be furnished to IO concerned.

13. Taking into account the aforesaid facts, this Court is inclined to quash FIR as no useful purpose would be served in prosecuting petitioners any further.

14. For the reasons afore-recorded of FIR No. 188/2011 dated 23.07.2011, registered at PS Preet Vihar and consequent proceedings emanating therefrom are quashed.

15. The petition is, accordingly, allowed and disposed of.

16. Pending application stands disposed of.

17. Order *dasti*.

(SURESH KUMAR KAIT)
JUDGE

MARCH 02, 2020

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