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

+ **W.P.(CRL) 678/2020 & CRL.M.A. 5188/2020**

ADITYA SANGWAN & ORS

..... Applicant

Through: Mr.Tarun Sharma, Advocate.

Versus

THE STATE & ORS

.....Respondent

Through: Mr. Kewal Singh Ahuja, APP for State.
Mr.Manish Dhawan, Advocate for R-2 to 5.

HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER

18.09.2020

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(physical hearing)

The respondents are stated to be present in Court Complex.

The status report of the State in terms of order dated 17.08.2020 has been filed.

There appears to be a typographical error in proceedings dated 17.08.2020 on the second page mentioning qua the alleged commission of an offence punishable under Section 334 of the Indian Penal Code, 1860 which ought to read as Section 354 of the Indian Penal Code, 1860.

It has been submitted on behalf of the petitioners that the petitioners and the respondent nos. 2 to 5 have since been arrived at a settlement *inter se* vide a settlement agreement of March 2020 in relation to the FIR in question. It is further submitted on behalf of the petitioners that in view of the settlement arrived at between the parties, the FIR be quashed.

On behalf of the State, the prayer made by the petitioners seeking the quashing of the FIR is vehemently opposed by the learned APP for the State.

The copies of the statements under Section 164 of the Cr.P.C., 1973 of the respondent nos.2 & 4 are on the record which are recorded on oath before the learned Duty MM, on 26.12.2019 and as per the said statements there are overt acts alleged *inter alia* qua the alleged commission of an offence punishable under Section 354 of the Indian Penal Code, 1860. Taking the same into account and also the averments made in the FIR which indicate apparently that due to a kind of road rage due to a parking incident, the petitioners are alleged to have attacked the respondents and their vehicle despite there being children in the vehicle of the respondents.

The State has also produced the print out of the CCTV footage showing the damage allegedly caused by the petitioners to the vehicle in which the respondents were seated indicating the alleged attack. In the circumstances, in as much as, there being gross mental depravity in the alleged commission of the offence, there is no ground for quashing of the FIR in question.

The petition is thus, declined.

Nothing stated hereinabove shall however amount to any expression on the merits or demerits of the case.

ANU MALHOTRA, J

SEPTEMBER 18, 2020

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