

\$~12

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

+ W.P.(CRL) 1060/2020

AMIT KUMAR & ORS.

..... Petitioners

Through: Mr Saroj Kumar Jha and Ms Meenu
Jha, Advocates.

versus

STATE GNCT OF DELHI & ANR.

..... Respondents

Through: Ms Nandita Rao, ASC for State.
Mr Abhishek Jha, Advocate for R-2.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **17.07.2020**

[Hearing held through videoconferencing]

1. The petitioners have filed the present petition, *inter alia*, praying that the FIR No. 0158/2019, under Sections 308/323/341/34 of the IPC registered with Police Station Harsh Vihar, North East, Delhi and all proceedings emanating therefrom, be quashed.

2. The said FIR was registered at the instance of respondent no.2. He had alleged that petitioner no.4 (Lokesh) had hit him with a brick which was lying nearby. He stated that this had happened when he had reached the house of one Mr Phool Singh to talk with the family members of his daughter-in-law (the petitioners herein). He stated that police had intervened and while they were going to the police station, the petitioners had restrained him and sons (respondent nos. 2 and 3) and beaten them mercilessly. They stated that respondent nos. 2 and 3 are his sons who had attempted to save him but they were also attacked by respondent no.5.

3. The petitioners and respondent nos. 2 to 5 have joined the proceedings and are identified by their respective counsels.

4. Respondent nos. 2 to 4 state that they have no grievances against the petitioners and respondent no. 5 and have settled all the disputes in terms of the settlement deed dated 22.06.2020. They jointly pray that the FIR in question be quashed. Although an allegation of commission of an offence punishable under Section 308 of the IPC has been made, it is seen that the injuries are simple and the narration of events does not indicate that commission of offence under Section 308 of the IPC, is made out.

5. In view of the statements made by the petitioners and respondent nos. 2 and 4, the present petition is allowed and FIR No. 0158/2019, under Sections 308/323/341/34 of the IPC registered with Police Station Harsh Vihar, North East, Delhi and all proceedings emanating therefrom are quashed.

VIBHU BAKHRU, J

JULY 17, 2020
RK