

via Video-conferencing

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

+ W. P. (CRL.) 1157/2020

SHRI UMESH YADAV @ UMESH AND ORS.

.... Petitioners

Through: Mr. Rohit Sardana, Advocate.

versus

THE STATE (N.C.T. OF DELHI) AND ORS.

.... Respondents

Through: Ms. Richa Kapoor, ASC for the State.
Mr. Dinesh Rohilla, Advocate for
respondents Nos. 2 to 6.

+ W. P. (CRL.) 1167/2020

SHRI RAMESH @ RAMESH RAJPUT AND ORS

..... Petitioners

Through: Mr. Dinesh Rohilla, Advocate.

versus

THE STATE (N.C.T. OF DELHI) AND OTHERS

.... Respondents

Through: Ms. Nandita Rao, ASC for the State.
Mr. Rohit Sardana, Advocate for
respondents Nos. 2 to 9.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

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30.07.2020

W.P.(CrI.) 1157/2020

All 08 petitioners in this petition, by name Umesh Yadav, Ritu Yadav, Anil Yadav, Arti Yadav, Kapil Yadav, Mona Yadav, Seema Yadav and Manish Yadav are accused in case FIR No. 520/2020 dated 30.06.2020 registered under sections 308/323/427/506/34 IPC at PS: Model Town, Delhi, which FIR was registered at the instance of respondent No.2 with respondents Nos. 3 to 6 being the victims. Respondents Nos.2 to 6 are Ramesh, Reshma, Rishabh, Deepak Rohilla and Urmila Rohilla.

2. By way of the present petition, the petitioners seek quashing of the subject FIR and all proceedings emanating therefrom.
3. The petition is supported by affidavits of each of the petitioners. Copies of the petitioners' Aadhaar Cards are also annexed as proof of identity.
4. The petition is also supported by affidavits of respondents Nos. 2 to 6, namely the complainant and victims in the subject FIR.
5. Quashing is sought on the basis of a compromise/settlement deed dated 25.07.2020 whereby the parties are stated to have settled the *inter se* disputes and allegations, since they are neighbours and do not wish to pursue the case against each other.
6. Mr. Rohit Sardana, learned counsel for the petitioners submits that a statement as regards the settlement between the parties was also recorded in order dated 13.07.2020 in the proceedings for interim bail filed by the accused persons before the learned Sessions Court.

7. Petitioners Nos.1 to 8 and respondents Nos. 2 to 6 have also joined the video-conferencing hearing today; they have been identified by Investigating Officer S.I. Vipin from PS: Model Town; and they confirm that they have settled the disputes *inter se* and wish the FIR to be quashed.

8. Ms. Richa Kapoor, learned ASC appears for the State on advance copy; and states that in view of the settlement, the State has no objection if the subject FIR is quashed.

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9. All 05 petitioners in this petition are accused in FIR No.521/2020 dated 30.06.2020 registered under sections 308/323/506/34 IPC at PS: Model Town, Delhi, which was a cross-FIR registered at the instance of respondent Nos. 4 with respondents Nos. 2, 3, 5 to 9 being the victims.

10. By the present petition, the petitioners seek quashing of the subject FIR and all proceedings emanating therefrom.

11. The petition is supported by affidavits of each of the petitioners. Copies of the petitioners' Aadhaar Cards are also annexed as proof of identity.

12. The petition is also supported by affidavits of respondents Nos.2 to 9 namely the complainant and victims in the subject FIR.

13. Quashing is sought on the basis of compromise/settlement deed dated 25.07.2020 whereby the parties are stated to have settled their *inter se* disputes and allegations since they are neighbours and do not wish to pursue the case against each other.

14. Mr. Dinesh Rohilla, learned counsel for the petitioners submits that a statement are regards the settlement between the parties was also recorded in order dated 13.07.2020 in the proceedings for interim bail filed by the accused persons before the learned Sessions Court.

15. Petitioners Nos.1 to 5 and respondents Nos.2 to 9 have also joined the video-conferencing hearing today; they have been identified by Investigating Officer S.I. Vipin from PS: Model Town; and they confirm that they have settled the disputes *inter se* and wish the FIR to be quashed.

16. Ms. Nandita Rao, learned ASC appears for the State on advance copy; and states that in view of the settlement, the State has no objection if FIR in question is quashed.

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17. Attention of this court is drawn to para 29.6 of the decision of the Supreme Court in *Narinder Singh & Ors. vs. State of Punjab & Anr.* reported as (2014) 6 SCC 466, where the Supreme Court observes that even in case of an allegation under section 307 IPC, after considering the nature of the injury, an FIR may be quashed on consensual basis. It is stated that in the present case, the injuries alleged in each of the FIRs are simple injuries to non-vital parts of the body.

18. In view of contents of the petitions; the fact that both petitions are duly supported by affidavits of all concerned parties alongwith their proofs of identity; that the parties have also been duly identified by the Investigating Officer; and that the parties have in the course of video-

conferencing hearing again confirmed the settlement of their *inter se* disputes; and that the parties are neighbours who wish to bury the hatchet, this court sees no reason why both the FIRs in question and the proceedings emanating therefrom should not be quashed.

19. Accordingly, FIR No.520/2020 dated 30.06.2020 registered under sections 308/323/427/506/34 IPC at PS: Model Town, Delhi and FIR No.521/2020 dated 30.06.2020 registered under sections 308/323/506/34 IPC at PS: Model Town, Delhi and all proceedings emanating therefrom are hereby quashed.

20. Petitions are disposed of accordingly.

21. All pending applications also stand disposed of.

ANUP JAIRAM BHAMBHANI, J

JULY 30, 2020

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