

\$~5

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL. M.C. 1733/2020**

MOHD. WASEEM & ORS. Petitioners
Through: Mr. Naresh Kumar, Advocate with
petitioners in person.

Versus

THE STATE (NCT OF DELHI) & ANR. Respondents
Through: Mr. Mukesh Kumar, APP for State
with SI Rakesh Singh, P.S. Shaheen
Bagh.
Mr. Ahmad Faizi, Advocate for R-2
along with R-2 in person.

CORAM:
HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

(VIA VIDEO CONFERENCING)

ORDER
% **01.09.2020**

CRL. M.A. 11976/2020

1. Allowed, subject to all just exceptions.
2. Application is disposed of.

CRL. M.C. 1733/2020

1. By this petition filed under Section 482 Cr.P.C., the petitioners seek quashing of FIR No. 131/2020 registered under Sections 308/323/34 IPC at P.S. Shaheen Bagh on the ground of settlement having been arrived at between them and respondent no.2.
2. As per the prosecution case, the present FIR has been registered on

the complaint of respondent no.2 against the present petitioners alleging that the petitioners misbehaved with him and abused him over an issue of car parking and when he resisted, they started beating him with sticks thereby causing injuries to the complainant/respondent no.2.

3. Mr. Mukesh Kumar, learned APP for the State, on instructions, submits that the present petitioners are the only accused persons and respondent no.2 is the only complainant in the present FIR. Learned APP, on instructions, further submits that the injuries have been opined to be grievous. It is also submitted that the petitioners are first-time offenders and are not involved in any other case.

4. Mr. Naresh Kumar, learned counsel for the petitioners submits that the petitioners and respondent no.2 are neighbours and with the intervention of their family members and other friends, they have settled their disputes amicably vide a Settlement Deed dated 05.08.2020. He further submits that in terms of the settlement, respondent no.2 is now left with no claim whatsoever against the petitioners.

5. The petitioners and respondent no.2 have joined the proceedings through the V.C. link along with their respective counsels. They have been identified by IO SI *Rakesh Singh* of P.S. Shaheen Bagh. Respondent no.2 states that he has entered into the settlement with the petitioners out of his own free will, volition and without any undue force, pressure or coercion. He further submits that the petitioners have shown remorse for their conduct and have undertaken not to repeat the same in future. He states that he has no objection if the present FIR is quashed.

6. Learned counsels for the parties submit that no other proceedings are pending between the parties.

7. The parties shall remain bound by their statements made in Court today.
8. Keeping in mind the settlement arrived at between the parties, in my view, no useful purpose will be served in continuance of the present criminal proceedings. Accordingly, in the interest of justice, the aforesaid FIR and the consequent proceedings are hereby quashed, subject to payment of costs of Rs.7,500/- to be deposited by each of the petitioners with the *Delhi High Court Advocates Welfare Trust* within two weeks. Receipts evidencing deposit of costs be handed over to the Investigating Officer and shall be filed in the Registry.
9. The petition is disposed of in the above terms.

MANOJ KUMAR OHRI, J

SEPTEMBER 01, 2020

ga