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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 5803/2019**
SATPAL ARORA & ORS Petitioners
Through: Petitioner nos.1 to 6 are present.

versus

THE STATE NCT OF DELHI & ORS Respondents
Through: Mr. Kewal Singh Ahuja, APP for
State with SI Pravin Kumar,
DIU/SED.
Mr. MP Bhargava, Adv. for R-2 & 3.

CORAM:
HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER

% **17.02.2020**

Time is sought by the learned counsel for the respondent nos.2 & 3 to file his authorization during the course of the day, the same be filed accordingly.

The status report is on the record opposing the prayer submitting to the effect that vide orders dated 16.05.2019 in Crl.M.C.2642/2019 and order dated 10.07.2019 in Crl.M.C.3259/2019, the previous petitions premised on the same compromise deed dated 09.04.2019 qua a settlement arrived at between the petitioners and the respondent nos.2 & 3 have already been dismissed as withdrawn and vide order dated 10.07.2019, it has specifically been observed to the effect that the said petition Crl.M.C.3259/2019 was filed on the basis of the same compromise deed as Crl.M.C.2642/2019 had been filed and that learned counsel for the petitioners had been unable to point out any change in the circumstances and has sought to withdraw the said petitions.

To come up at 3 pm.

ANU MALHOTRA, J

FEBRUARY 17, 2020/vm

At this stage, Mr. Akhilesh Singh, Adv. for petitioners is present.

On behalf of the petitioners it has been submitted that the present petition has been filed despite the proceedings in CrI.M.C.2642/2019 and CrI.M.C.3259/2019 in view of the pressurization of members of the locality for seeking quashing of the FIR No.423/2012, PS Amar Colony, under Sections 308/34 of the Indian Penal Code, 1860 so that peace and harmony is maintained between the petitioner nos.1 to 10 and the respondent nos.2 & 3.

The record indicates as observed through proceedings earlier today that vide order dated 16.05.2019, the petition CrI.M.C.2642/2019 was withdrawn unconditionally and was thus dismissed as withdrawn as such. Vide order dated 10.07.2019, CrI.M.C.3259/2019 also the petition seeking quashing of the same FIR qua which CrI.M.C.2642/2019 had been filed and qua which the present petition CrI.M.C.5803/2019 had been filed was dismissed as withdrawn with leave granted to the petitioners to withdraw that petition in as much as learned counsel for the petitioners was unable to point out any change in the circumstances.

The contention sought to be raised now that the present petition has been filed so that there is maintenance of peace and harmony between the parties, is already detailed in the present petition itself observing vide para 5 to the effect that the petitioners had agreed that they would not quarrel or cause any disturbance to the respondent nos.2 & 3 any further and that they

would live peacefully in future. No liberty having been granted vide order dated 16.05.2019 whilst dismissing CrI.M.C.2642/2019, which was dismissed as withdrawn on unconditional withdrawal thereof and no liberty having been granted vide order dated 10.07.2019 whilst dismissing CrI.M.C.3259/2019 as withdrawn as prayed in view of there being no change of circumstances with the submissions now being made to the effect that the change of circumstances is the pressurization of neighbours so that there is maintenance of peace and harmony between the parties, is no ground to permit the prayer to file the present petition, qua which the petitions have already been dismissed as withdrawn vide orders dated 16.05.2019 & 10.07.2019 in CrI.M.C.2642/2019 & CrI.M.C.3259/2019.

Furthermore, taking into account the grievous injuries having been sustained by Gagan Arora, the petition is declined.

The prayer made on behalf of the State seeking imposition of costs, in the interest of justice, is declined.

ANU MALHOTRA, J

FEBRUARY 17, 2020/vm