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

Date of decision: 14.01.2021

+ **CRL.M.C. 106/2021 & CrI.M.A. 504/2021**

RAJU AGGARWAL & ANR. Petitioners

Through: Mr. Tarbez Ahmed, Advocate

Versus

STATE NCT OF DELHI & ORS. Respondents

Through: Mr. Panna Lal Sharma, Additional
Public Prosecutor for respondent
No.1/State with SI Govind Singh,
police station Uttam Nagar
Respondents No.2 to 4

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

J U D G M E N T (O R A L)

The hearing has been conducted through video conferencing.

1. Vide this petition, petitioners seek quashing of FIR No. 903/2014, under Sections 323/354/504/509/34 IPC, registered at police station Uttam Nagar, Delhi.
2. Notice issued.
3. Mr. Panna Lal Sharma, learned Additional Public Prosecutor for respondent No.1/State accepts notice and submits that respondents No.2 to 4

are present through video conference and they have been identified by the Investigating Officer of this case, who is also present through video conferencing.

4. With the consent of learned counsel for the parties, the present petition is taken up for final hearing and disposal.

5. On 16.08.2014 an altercation took place between the parties, which culminated into registration of FIR in question by respondent No.2. Both the parties are said to be residing in the same locality.

6. The present petition has been filed on the ground that with the intervention of residents of the same locality, elders and friends, parties decided to amicably resolve their dispute. It is stated that the parties have resolved their dispute in terms of Settlement order dated 12.09.2020 through Mediation Centre, Dwarka Courts, New Delhi, and therefore, the FIR in question and proceedings arising therefrom be quashed against the petitioners.

7. On the other hand, learned Additional Public Prosecutor for State while opposing this petition, has submitted that a similar petition W.P.(CrI.) 130/2015 was filed by the petitioners for quashing of the FIR in question, which was dismissed by this Court vide order of 23.03.2015 and thus, this

petition is not maintainable.

8. I have heard learned counsel appearing on behalf of both the sides.

9. The present petition has been filed on the ground that matter has been amicably resolved between the parties and the complainant does not wish to pursue the case against the petitioners. This Court is informed by learned Additional Public Prosecutor for State that charge sheet in this FIR case has been filed but charges are yet to be framed.

10. This Court is conscious that earlier petition W.P.(Crl.) 130/2015 was preferred by the petitioners, which was dismissed by this Court, however, I find that since petitioners and respondents are living in the same locality and they have entered into an amicable settlement, to enable them to restore cordiality and harmony, it would be in the interest of justice if this petition is allowed.

11. At this stage, learned Additional Public Prosecutor for State submits that the FIR in question pertains to the year 2014 and due to registration of the FIR, Government machinery came into motion and a lot of public time has been consumed, therefore, heavy cost may be imposed upon the petitioners.

12. Learned counsel for the petitioners, on instructions from the

petitioners, has come forward and agreed to contribute Rs.2,00,000/- (Rupees Two Lacs) for welfare purposes. Accordingly, petitioner No.1 is directed to pay the cost amount in the following manner:-

- (a) An amount of Rs.50,000/- shall be deposited in favour of Middle Income Group Legal Aid Society;
- (b) An amount of Rs.50,000/- shall be deposited in favour of Delhi Police Martyrs Fund;
- (c) An amount of Rs.50,000/- shall be deposited in Nirmal Chhaya, Nirmal Chhaya Complex, Jail Road, New Delhi;
- (d) An amount of Rs.50,000/- shall be deposited in favour of Blind Sewa Kuteer, Kingsway Camp, Delhi.

13. Petitioner No.1 is directed to deposit the cost within four weeks and receipt of the same shall be deposited with the Investigating Officer concerned.

14. Taking into account the aforesaid fact, this Court is inclined to quash the FIR in question, as no useful purpose would be served in continuing with the proceedings against the petitioners.

15. For the reasons afore-noted, FIR No. 903/2014, registered at police station Uttam Nagar, Delhi and consequent proceedings emanating

therefrom are quashed.

16. The petition is, accordingly, disposed of.

17. Pending application also stands disposed of.

18. The order be uploaded on the website of this Court forthwith.

(SURESH KUMAR KAIT)
JUDGE

JANUARY 14, 2021

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