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

+ **CRL.M.C. 261/2023**

SH.GURCHARAN SINGH ANAND AND ORS Petitioners

Through: Mr. Vijay Kuma Ravi with Mr.Sanjay Singh and Mr. Anand Singh, Advocates.

versus

THE GOVT. OF N.C.T. DELHI AND ORS Respondents

Through: Mr. Digam Singh Dagar, APP for the State with SI Kapil Anthang, PS Janak Puri.

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Date of Decision: 16th January, 2023

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

J U D G M E N T

DINESH KUMAR SHARMA, J. (Oral)

Crl.M.A.1056/2023 (exemption)

Exemption allowed subject to all just exceptions.

Crl.M.A.1057/2023 (for condonation of delay in re-filing)

For the reasons stated in the application, the application is allowed.

The delay in re-filing of the petition is condoned.

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1. Present petition has been filed for quashing of FIR No. 346/2011, dated 09.10.2011 registered at Police Station Janak Puri under Sections 341/323/506/34 IPC and Sections 27/54/59 Arms Act, 1959. The said FIR

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No. 346/2011 was lodged at the statement of Mr. Varun Arora.

2. Perusal of the FIR indicates that both the parties are neighbours and a fight had taken place as some repair work was being undertaken in the shop of the accused persons. In the FIR it is stated that one of the accused namely Gurcharan Singh Anand was having verbal duel with a boy named Raju. The complainant tried to intervene between Gurcharan Singh Anand and Raju. Allegedly, this was objected to by the said Gurcharan Singh Anand. It was further stated that in the evening thereafter said Gurcharan Singh Anand called the father of the complainant and while they were talking to each other Lucky @ Charanjeet Singh, i.e., son of Gurcharan Singh came along with some boys and surrounded the complainant, his brother Sanjay Arora and his father Adarsh Kumar Arora. It was alleged that Lucky @ Charanjeet Singh started beating the complainant with a wooden *danda* and assaulted on this head. It was alleged that the accused party gave beating to them due to which injuries were inflicted and a gold bracelet was also lost. It was further alleged that a gunshot was also fired. Consequently, the said FIR No. 346/2011 was lodged. Chargesheet has been filed only under Sections 341/323/506/34 IPC. However, subsequently, vide order dated 03.12.2019, learned MM on the basis of the testimony of PW1 and PW2 found that the offence under Section 307 IPC was also made out. Thus committed the case to the Court of Sessions.

3. During the course of the Crl. Rev. Pet. No.18/2020, the parties stated before the learned District & Sessions Judge that they have settled the matter amicably. The revision petition was thus withdrawn vide order dated 06.09.2022.

4. Learned counsel for the petitioner submits that the fight had taken place at the spur of the moment and the dispute arose due to misunderstanding and miscommunication between the parties. The parties have been neighbours to each other for the past several years. Learned counsel submits that now the parties have resolved all their disputes and are residing peacefully.

5. Parties are also present in person. They state that they have amicably settled all their disputes amongst themselves and now they are living peacefully. The Investigating Officer has duly identified the parties and states that pursuant to the present proceedings, there is no other case of complaint against the parties. The complainant states that he has settled the matter with the petitioners voluntarily without any fear, force or coercion and further states that he has no objection if the present FIR and all criminal proceedings emanating therefrom are quashed. The complainant has also filed an affidavit and has stated on oath that he has settled the disputes with the petitioners and does not want to pursue the present complaint.

6. The dispute between the parties is personal in nature. They have settled the dispute amongst themselves amicably. Even if trial is allowed to continue, there is a bleak/remote chance of conviction, given that the parties have resolved their dispute and do not want to pursue the present complaint. I consider that in order to bring social harmony and good relations between the parties, it would be in the interest of justice that the present petition is quashed.

5. Taking into account the totality of facts and circumstances, the case

FIR No. 346/2011, dated 09.10.2011 registered at PS Janak Puri under Sections 341/323/506/34 IPC and Sections 27/54/59 Arms Act, 1959 and all proceedings emanating therefrom are quashed.

6. The present petition stands disposed of.

DINESH KUMAR SHARMA, J

JANUARY 16, 2023
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