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

+ **CRL.M.C. 396/2024**

LAXMI DEVI AND ANR

..... Petitioners

Through: Mr. Ashish Sehrawat &
Mr. Kapil Yadav, Advs.
with P1 in person

versus

STATE GOVT.OF NCT OF DELHI
& ANR.

..... Respondents

Through: Mr. Hitesh Vali, APP for
the State with Mr. Mohd.
Asif, Adv.
Inspector Rajiv, PS
Mangolpuri
SI Vikas Yadav, PS
Badarpur
Mr. Hasil Jain, Adv. for
Respondent No. 2 with
Respondent No. 2 in
person

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

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18.01.2024

CRL.M.A. 1539/2024 (for exemption)

1. Exemption allowed, subject to all just exceptions.
2. Application stands disposed of.

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3. The present petition is filed under Section 482 of the Code of Criminal Procedure, 1973 ('CrPC') seeking quashing of FIR No. 212/2015 dated 06.04.2015, under Sections 354/323/506/509/34 of the Indian Penal Code, 1860 ('IPC'), registered at Police Station Badarpur, South East Delhi. The FIR was registered at the behest of Respondent No.2 / Complainant in

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the present petition.

4. It is averred that the Respondent No. 2 was living as a tenant in the property owned by the petitioners and an altercation took place when Respondent No. 2 was drying up the blankets outside her balcony, and the drops from the blanket fell on the floor of the petitioners' home which led to a scuffle between Respondent No. 2 and the petitioners, which further led to the filing of the cross-FIRs bearing No. 212/2015 and No. 211/2015.

5. The learned counsel for the petitioners submits that the petitioners and Respondent No. 2, have amicably settled the matter in the terms of Memorandum of Understanding dated 05.09.2023. The offences under Sections 323/341/34 of the IPC in FIR No. 211/2015 have already been compounded by the learned Additional Chief Metropolitan Magistrate, South East District, Saket Courts, New Delhi by an order dated 22.09.2023 on the ground of settlement.

6. The present petition has been filed for quashing of FIR No. 212/2015 on the ground of settlement. It is submitted that the present petition was filed before this Court since the offence under Section 354 of the IPC is not compoundable.

7. The learned counsel for the petitioner submits that the allegations under Section 354 of the IPC in FIR No. 212/2015 were made only against Petitioner No. 2, who was the son of Petitioner No. 1, and has already expired during the pendency of present proceedings. The Death Certificate issued by the Municipal Corporation of Delhi has also been filed along with the present petition. He further submits that the charges alleged against the Petitioner No. 1 are only under Sections 323, 506, 509 read with Section 34 of the IPC.



8. The parties are present person and state that they have settled their dispute amicably, without any coercion or pressure.

9. The parties are present and have been duly identified by the Investigating Officer and state that they do not have any objection if the proceedings are quashed. SI Rajiv, Investigating Officer in the present case also states that he has no objection if the proceedings are quashed.

10. Offences under Sections 323, 506 and 509 of the IPC are compoundable in nature and the factum of settlement has also been confirmed by the Investigating Officer and the petition is supported by the duly sworn affidavit of the complainant. No useful purpose would be served by relegating the parties to the Trial Court for filing an application to compound the offences.

11. In view of the above, the present petition is allowed and FIR No. 212/2015 and all consequential proceedings arising therefrom are, quashed.

AMIT MAHAJAN, J

JANUARY 18, 2024

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