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

+ **W.P.(CRL) 1911/2023**

VISHAL PACHAHARA

..... Petitioner

Through: Mr. Vinay Kumar Sharma, Mr. Prince, Mr. Aaditya and Mr. Arunavo Kumar Midday, Advocates alongwith petitioners in person

versus

STATE OF NCT DELHI AND ORS.

..... Respondents

Through: Mr. Amol Sinha, ASC for the State with Mr. Kshitiz Garg, Mr. Ashvini Kumar, Mr. Arjun Singh Kadian, Advocates and Inspector Yogendra Kumar, P.S. Timarpur, Delhi
Respondent nos. 2 and 3 in person

CORAM:

HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

ORDER

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04.01.2024

CRL.M.A. 17675/2023 (exemption)

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

W.P.(CRL) 1911/2023

3. The instant petition under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973 ('Cr.P.C.') has been filed on behalf of petitioners seeking quashing of FIR bearing no. 272/2023, registered at Police Station Timarpur, Delhi for offences



punishable under Sections 308/34 of the Indian Penal Code, 1860 ('IPC') and proceedings emanating therefrom.

4. Issue notice. Mr. Amol Sinha, learned ASC accepts notice on behalf of the State.

5. Petitioners are present before this Court and have been identified by their counsel Mr. Vinay Kumar Sharma and Investigating Officer (IO) Inspector Yogendra Kumar from Police Station Timarpur, Delhi.

6. Brief facts of the present case are that on 10.03.2023 at around 12:30 Hrs., respondent no. 2 and 3 had left their residence to get some tea and on their way, they met the boys who had earlier quarrelled with one of the friends of respondent no. 2. It is stated that some altercation took place between them and thereafter petitioners had beaten up respondent no.2 with sticks, steel rod and baseball which caused injuries on his head, face and eye. It is stated that respondent no.2 had made a complaint to Police Station Timarpur upon which an FIR bearing no. 272/2023 was registered against the accused persons. During the pendency of the present case, with the intervention of common friends, both the parties had settled their disputes *vide* Settlement Deed dated 20.06.2023.

7. On a query made by this Court, respondent nos. 2 and 3 who have been identified by the IO, have categorically stated that they have entered into compromise out of their own free will and without any pressure, coercion or threat. It is also stated by respondent nos. 2 and 3 that the entire dispute has been amicably settled between them *vide* Settlement Deed dated 20.06.2023 and that they have no objection, if the FIR in question is quashed.

8. In view of the above fact that the parties have amicably resolved their



differences of their own free will, and without any coercion, no useful purpose will be served by continuing the proceedings, rather the same would create further acrimony between them. It would thus be in interest of justice to quash the abovementioned FIR and the proceedings pursuant thereto. There is no legal impediment in quashing the FIR in question.

9. Accordingly, FIR bearing no. 272/2023, registered at Police Station Timarpur, Delhi for offences punishable under Sections 308/34 of IPC and all consequential proceedings emanating therefrom are quashed subject to each petitioner depositing cost of Rs.10,000/- within 15 days, in the following manner:

(a) Rs. 30,000/- be deposited with Delhi High Court Bar Association Library Fund.

(b) Rs. 30,000/- be deposited with Delhi High Court Bar Association Employees Welfare Fund.

10. In view of above, the present petition stands disposed of.

11. The order be uploaded on the website forthwith.

SWARANA KANTA SHARMA, J

JANUARY 4, 2024/ns

Click here to check corrigendum, if any