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* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ W.P.(CRL) 3697/2018

SACHIN THAKUR & ANR.

..... Petitioner

Represented by: Mr. Awijit Paliwal, Adv.

versus

STATE & ANR.

..... Respondent

Represented by: Ms. Iti pandey, Adv. for Ms. Nandita Rao, ASC for State with SI Nishant PS Gandhi Nagar.

Ms. Shabana Ahmed, Adv. for R-2 with R-2 in person.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

O R D E R

05.12.2018

Crl.M.A. 48887/2018

Exemption allowed subject to just exceptions.

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By the present petition the petitioners seek quashing of FIR No. 239/2018 under Sections 323/341/452/506/34 IPC registered at PS Gandhi Nagar, Delhi on the complaint of Respondent No.2 and the proceedings pursuant thereto on the ground that the parties have settled the matter.

Learned proxy counsel for the learned Additional Standing Counsel for the State on instructions from Investigating Officer submits that in the FIR in question as per the statement of respondent No.2 besides the two petitioners their friends also had come to the booth and assaulted them. She states that however supplementary statement of respondent No.2 has been

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recorded wherein he clarified that the two petitioners were the only assailants and the other people collected were his neighbours who had collected due to the quarrel going on. She states that thus the two petitioners are the accused and respondent No.2 the only complainant in the above-noted FIR.

Respondent No. 2 is present in Court and is identified by the learned counsel and the Investigating Officer. He states that he has settled the matter with the petitioners and that the petitioners are residing in his neighbourhood where he is running a milk booth and with the intervention of friends and relatives the matter has been settled between the parties and he does not wish to pursue the above-noted FIR and the proceedings pursuant thereto. He further clarifies that though in the FIR he stated that the two petitioners along with their friends had come to his booth, however later on it was revealed that the other persons were his neighbours who had gathered because a quarrel had ensued.

Petitioners who are present in Court and are identified by the learned counsel affirm the statement of respondent No.2 and assure that no such misbehaviour will take place in future and to show remorse undertake to deposit the cost.

In view of the fact that the parties have amicably resolved their differences of their own free will, volition and without any coercion and no useful purpose will be served in continuance of the proceedings, rather the same would create further acrimony between them, it would be in the interest of justice to quash the abovementioned FIR and the proceedings pursuant thereto. There is no legal impediment in quashing the FIR in

question.

Consequently, FIR No. 239/2018 under Sections 323/341/452/506/34 IPC registered at PS Gandhi Nagar, Delhi and proceedings pursuant thereto are hereby quashed subject to each of the petitioners depositing a sum of ₹10,000/- with the Delhi High Court Staff Welfare Fund within four weeks.

Parties have signed this order sheet in acknowledgment of their statements made before this Court.

Petition is disposed of. Order dasti.

MUKTA GUPTA, J.

DECEMBER 05, 2018
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