

(2018) 03 DEL CK 0191

In the Delhi High Court

Case No : Criminal Writ Petition No. 1617 of 2017

Ajay Kumar And Ors

APPELLANT

Vs

State (Nct Of Delhi) And Ors

RESPONDENT

Date of Decision : 13-03-2018

Acts Referred:

Indian Penal Code, 1860 — Section 34, 308, 323, 354

Citation : (2018) 03 DEL CK 0191

Hon'ble Judges : Mukta Gupta, J

Bench : Single Bench

Advocate : Lalita Arya, Piyush Singhal, Ashish Aggarwal

Final Decision : Disposed Off

Judgement

Mukta Gupta, J

1. Amended memo of parties has been filed but no steps have been taken for service of respondent No. 3. However, respondent No. 3 is present in Court and is identified by the investigating officer. By the present petition the petitioners seek quashing of FIR No. 442/2013 under Sections 323/308/354/34 IPC registered at PS Mehrauli, Delhi on the complaint of Respondent No. 2 and the proceedings pursuant thereto on the ground that the parties have settled the matter.

2 . Learned proxy counsel for the learned Additional Standing Counsel for the State on instructions from Investigating Officer submits that in the above-noted FIR the four petitioners are the only accused and respondent No. 2 the complainant/victim and respondent No. 3 the other victim.

3 . Respondent No. 2 and 3 are present in Court and are identified by the learned counsel and the Investigating Officer. They state that they have settled the matter with the petitioners in terms of the compromise deed dated 9th July, 2013 copy whereof is annexed as Annexure P3 to the present petition from pages 33 to 37 of the paper book. They state that they do not wish to pursue the above-

noted FIR and the proceedings pursuant thereto.

4 . Petitioners who are present in Court and are identified by the learned counsel affirm the statement of respondent No. 2 and 3 and undertake to abide by the terms of settlement.

5. 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 above mentioned FIR and the proceedings pursuant thereto. There is no legal impediment in quashing the FIR in question.

6. Consequently, FIR No. 442/2013 under Sections 323/308/354/34 IPC registered at PS Mehrauli, Delhi and proceedings pursuant thereto are hereby quashed. Parties have signed this order sheet in acknowledgment of their statements made before this Court.

Petition is disposed of.