

(2018) 08 DEL CK 0369

In the Delhi High Court

Case No : Criminal Miscellaneous Case No. 3257 Of 2018

Devender & Ors

APPELLANT

Vs

State (Govt. Of Nct Of Delhi) & Anr

RESPONDENT

Date of Decision : 24-08-2018

Acts Referred:

Indian Penal Code, 1860 — Section 34, 323, 427, 452

Citation : (2018) 08 DEL CK 0369

Hon'ble Judges : SANJEEV SACHDEVA, J

Bench : Single Bench

Final Decision : Allowed

Judgement

SANJEEV SACHDEVA, J. (ORAL)

1. The petitioners seek quashing of FIR No. 1095 of 2006 under Sections 452/427/323/34 of the IPC registered at Police Station Shakarpur, Delhi, based on a settlement.

2. The parties are neighbours. The subject FIR was registered consequent to a quarrel which took place between the parties. It is contended that the dispute occurred on the spur of moment without any premeditation. It is submitted that the co-accused Mahesh Kumar has expired on 22.04.2015 and the other two co-accused namely, Sanjay and Dharmender have already been declared proclaimed offender on 25.11.2014.

3. Learned counsels for the parties submit that the parties have settled their disputes with the intervention of other members of the society. Both the parties have assured that they have restored cordial relationship and shall not quarrel with each other in future. They have also filed their supporting affidavits.

4. Respondent nos. 2 is present in court in person and is identified by the Investigating Officer. She submits that she has settled the disputes with the petitioners and is agreeable to the settlement and does not wish to press the criminal charges against the petitioners any further.

5. In view of the fact that the disputes between the petitioners and respondent no. 2 have been settled, continuation of criminal proceedings will be an exercise in futility and justice in the case demands that the dispute between the parties is put to an end and peace is restored; securing the ends of justice being the ultimate guiding factor. It would be expedient to quash the subject FIR and the consequent proceedings emanating there from qua the petitioners.

6. In view of the above, the petition is allowed. FIR No. 1095 of 2006 under Sections 452/427/323/34 of the IPC registered at Police Station

Shakarpur, Delhi and the consequent proceedings emanating there from are accordingly quashed qua the petitioners.

7. This would be without prejudice to the proceedings against the co-accused Sanjay and Dharmender who have been declared â??Proclaimed Offendersâ??.

8. Order Dasti under signatures of the Court Master.