
(2018) 08 DEL CK 0444

In the Delhi High Court

Case No : Criminal Miscellaneous Case No..2025 Of 2018 & CrI. M.A. 7165 Of 2018

Ganesh

APPELLANT

Vs

State Of Nct Of Delhi & Anr

RESPONDENT

Date of Decision : 29-08-2018

Acts Referred:

Indian Penal Code, 1860 — Section 307

Citation : (2018) 08 DEL CK 0444

Hon'ble Judges : Sanjeev Sachdeva, J

Bench : Single Bench

Advocate : M.K. Perwez, K.L. D. Vinober, Neelam Sharma, Pawan Chaudhary

Final Decision : Allowed

Judgement

SANJEEV SACHDEVA, J. (ORAL)

1. Petitioner seeks quashing of FIR No.Â 364/2016 under Section 307 of the Indian Penal Code (IPC for short) registered at Police Station Kalyan

Puri, East Delhi, based on a settlement.

2. The allegations in the FIR are that the petitioner in an inebriated state was abusing and shouting in the lane outside the house of the complainant and

when the complainant objected, the petitioner is alleged to have assaulted him and attacked him with a sharp object.

3. As per the MLC, the nature of injury sustained by the complainant is simple.

4. Learned counsels for the parties submit that the parties are neighbours and have settled their disputes with the intervention of respectable people

and friends known to the parties. Compromise Deed dated 10.01.2018 has been executed.

5. As per the settlement, the petitioner had agreed to pay Rs. 2 lakhs to the complainant. It is informed that the entire amount of Rs. 2 lakhs has already been paid.

6. Respondent Nos.2 /complainant is present in court in person, represented through his counsel and identified by the Investigating Officer. He submits that he has settled with the petitioner and does not wish to press the complaint against him any further.

7. Petitioner who is present in Court in person has expressed remorse and regretted his conduct. He undertakes that he shall not quarrel in future. The undertaking is accepted.

8. In view of the fact that the disputes between the parties 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 therefrom.

9. In view of the above, the petition is allowed. FIR No. 364/2016 under Section 307 of the IPC registered at Police Station Kalyan Puri, East Delhi and the consequent proceedings emanating therefrom are, accordingly quashed subject to the petitioner depositing a cost of Rs.10,000/- with the Chief Minister's Distress Relief Fund, Kerala within two weeks. The receipt of deposit of the costs imposed by this Order be furnished to the concerned Investigating Officer within a period of three weeks from today.

10. Order Dasti under signatures of the Court Master.