

(2021) 02 DEL CK 0296

In the Delhi High Court

Case No : Criminal Miscellaneous Case No. 634 Of 2021, Criminal Miscellaneous Application No. 3103 Of 2021

Kawal @ Rajinder @ Kali & Ors

APPELLANT

Vs

State Of Delhi

RESPONDENT

Date of Decision : 25-02-2021

Acts Referred:

Citation : (2021) 02 DEL CK 0296

Hon'ble Judges : Suresh Kumar Kait, J

Bench : Single Bench

Advocate : Ranjit Singh Juneja, Amit Chadha

Final Decision : Disposed Of

Judgement

Suresh Kumar Kait, J

1. Vide this petition, quashing of FIR No. 178/2020, registered at police station Subzi Mandi, Delhi is sought by petitioners.

2. Learned counsel for petitioner submits that on 14.06.2020 at around 4:00 p.m. an altercation took place between the parties, which culminated into registration of FIR in question by respondent No.2.

3. The present petition has been filed on the ground that with the intervention of common friends and well wishers, the dispute between the parties has been resolved in terms of Compromise Deed dated 17.02.2021.

4. Notice issued.

5. Mr. Amit Chadha, learned Additional Public Prosecutor for respondent No.1/ State accepts notice and submits that respondent No.2 is present

through video conferencing and he has been identified as the complainant of FIR in question by the Investigating Officer of this case, who is also

present through video conferencing.

6. With the consent of learned counsel for the parties, the present petition is taken up for final hearing and disposal.

7. Learned Additional Public Prosecutor for State has opposed this petition on the ground that out of 11 petitioners, 06 petitioners have previous

involvements and against them FIRs in different police stations are pending. Learned Additional Public Prosecutor for State further submits that the

CCTV footage of the incident in question is available, based on which respondent No.6, wife of complainant, had identified the petitioners and that fire

arm was recovered from the possession of one of the accused and also that in the alleged incident, complainant had suffered grievous injuries.

8. Learned counsel for petitioners submits that the in the MLC, injuries inflicted upon the complainant are opined to be simple in nature. Learned

counsel for petitioners also submits that since parties have amicably resolved the dispute, to restore peace and cordiality, the proceedings arising out of

FIR in question be brought to an end.

9. Inspector Rajesh, Investigating Officer of this case, is present through video conferencing and he has confirmed that as per MLC, injuries suffered

by complainant were simple in nature and injured had not sustained any firearm injuries.

10. Respondent No.2 is present through video conferencing and he has affirmed the factum of settlement with petitioners in terms of Compromise

Deed dated 17.02.2021 and he also submits that he does not wish to prosecute the matter any further. Similar is the stand taken by respondents No.3

to 6 in this petition.

11. At this stage, learned Additional Public Prosecutor for State points out that if this Court is inclined to allow this petition, heavy cost may be

imposed upon the petitioner, which should be a determinant to involve in such activities.

12. Learned counsel for petitioners on instructions from petitioners has volunteered that petitioner are ready to contribute cost of Rs.2,00,000/- each

for welfare purposes.

13. Keeping in view that the dispute between the parties has been amicably resolved, this Court is inclined to quash the FIR in question, as no useful

purpose would be served in continuing with the proceedings arising out of the

present FIR. However, petitioners No.1 to 11 are directed to pay cost of Rs.2,00,00/- each which shall be deposited in the following manner:-

- a. Rs.5 Lacs shall be paid in favour of Honâ??ble Prime Ministerâ??s Relief fund
- b. Rs.5 Lacs shall be paid in favour of Delhi Police Martyrs Fund
- c. Rs.5 Lacs shall be paid in favour of Chief Minister Relief Fund, Delhi
- d. Rs.2 Lacs shall be paid in favour of The High Court of Delhi (Middle Income Group) Legal Aid Society
- e. Rs.2 Lacs shall be paid in favour of Delhi High Court Legal Services Committee
- f. Rs.2 Lacs shall be paid in favour of Bharat Ke Veer fund
- g. Rs.1 Lac shall be paid in favour of Blind School, Sewa Kuteer, Kingsway Camp, New Delhi

14. The aforesaid cost shall be deposited within two weeks and receipt thereof shall be placed before the Investigating Officer of this case within two weeks.

15. Subject to deposit of cost, FIR No. 178/2020, registered at police station Subzi Mandi, Delhi and consequent proceedings emanating therefrom are hereby quashed.

16. The petition is, accordingly, allowed and disposed of.

17. Pending application also stands disposed of.