
(2011) 12 DEL CK 0413
In the Delhi High Court
Case No : Criminal M.C. No. 4134 of 2011

Kulbir @ Bholi

APPELLANT

Vs

State and Another

RESPONDENT

Date of Decision : 13-12-2011

Acts Referred:

Penal Code, 1860 (IPC) — Section 308, 323, 341

Citation : (2011) 12 DEL CK 0413

Hon'ble Judges : Suresh Kait, J

Bench : Single Bench

Advocate : S.S. Dahiya, for the Appellant; Navin Sharma, APP for State with SI Pawan Kumar, Police Station Bawana in Person and Mr. L.K. Dahiya, for R-2 with Respondent in Person, for the Respondent

Final Decision : Allowed

Judgement

Suresh Kait, J.

Crl. M.A. No. 19207/2011 (exemption)

Exemption is allowed subject to just exceptions.

Criminal M.A. stands disposed of.

Crl. M.C. No. 4134/2011

1. Notice issued.
2. Mr. Navin Sharma, learned APP on behalf of respondent No.1/ State & Mr. L. L. Dahiya, learned counsel on behalf of respondent No.2 accept notice.
3. Learned counsel for the petitioner submits that vide FIR No.116/2011 dated 02.04.2011 a case u/s 323/341 Indian Penal Code, 1860 was registered at police station Bawana, Delhi against the petitioner on the complaint of respondent No.2.
4. He further submitted that respondent No.2 has amicably settled the matter

with petitioner as both are cousin brother and both of them hail from same village i.e. Mungeshpur, Bawana, Delhi. Pursuant to the settlement, respondent No.2 is no more interested in pursuing his case against petitioner any more.

5. Respondent No.2 personally present in the Court with his learned counsel Mr. L. K. Dahiya, who duly identifies him as respondent No.2. In addition, SI Pawan Kumar from police station Bawana also identifies respondent No.2.

6. Learned counsel for respondent No.2, on instructions submits that he amicably settled all the issues qua present FIR due to intervention of the family members and friends as both are cousin brother and he is no more interested in pursuing it. Respondent No.2 does not have any objection, if the present FIR is quashed.

7. Mr. Navin Sharma, learned APP, on instructions submits that on completion of the investigation, charge-sheet has already been filed before learned Trial Court, however, notice has yet not been served upon petitioner for the offence.

8. He further submits that if this Court is inclined to quash the FIR, petitioner may be put to terms, as government machinery has been pressed into action and precious time of the Court has been used.

9. I note, that the instant FIR being u/s 323/341 IPC is compoundable and this case could have been compounded before learned Magistrate, but petitioner and respondent have opted to approach this Court for quashing because of the fact that cross FIR No.117/2011 u/s 308 of Indian Penal Code, 1860 was also lodged at the same police station.

10. In the interest of justice, in view of settlement between the parties, FIR No.116/2011 registered at police station Bawana, Delhi against the petitioner and the proceedings arising there from, if any, are hereby quashed.

11. Though, I find force in the submission of learned APP, however, no costs is being imposed upon the petitioner, as he is employed at lower cadre i.e. Warden in Rohini Jail. Moreover, parties have compounded the matter at the early stage, as notice has not been served.

12. Accordingly, Criminal M.C.No.4134/2011 is allowed and stands disposed of.

13. In view of above order, Criminal M.A.No.19206/2011(stay) does not warrant any further adjudication and stands disposed of.