

(2018) 12 DEL CK 0471

In the Delhi High Court

Case No : Criminal Miscellaneous Case No. 6444, 6459 Of 2018, Criminal Miscellaneous Application No. 49997, 50050 Of 2018

Om Prakash Lamba & Ors

APPELLANT

Vs

State & Ors

RESPONDENT

Date of Decision : 18-12-2018

Acts Referred:

Indian Penal Code, 1860 — Section 34, 325, 506

Citation : (2018) 12 DEL CK 0471

Hon'ble Judges : Sunil Gaur, J

Bench : Single Bench

Advocate : Ashish Tanwar, Lovinder Chaudhary, Neelam Sharma, S.Chaturvedi

Final Decision : Disposed Off

Judgement

1. In the above captioned first petition, quashing of FIR No.150/2012, whereas in the above captioned second petition, quashing of FIR No.131/2012, both registered at police station Sarojini Nagar, New Delhi is sought. Both the FIRs arise out of one common incident. In FIR No.150/2012, petitioners Om Prakash and others have been put on trial for the offence under Section 325/34 IPC and in FIR No. 131/2012, petitioners Rakesh @ Banti and others have been put on trial for offences under Sections 325/506/34 IPC. Quashing of these FIRs is sought on the ground that the misunderstanding which led to this incident, now stands cleared between the parties.

2. Mr.M.P.Singh, Additional Public Prosecutor for respondent-State, accepts notice in FIR No.131/2012 and submits that Om Prakash Lamba, who is complainant of this FIR, is present in the Court. Ms. Neelam Sharma, Additional Public Prosecutor for respondent-State in FIR No.150/2012 accepts notice and submits that Rachit Kansal and Mr. Rakesh @ Bunti, who are complaints of this FIR, are present in the Court. SI Shiv Kumar, who is the Investigating Officer of these FIRs, has identified the private respondents present in the Court as complainants of these two FIRs.

3. With the consent of learned counsel for the parties, both these petitions have been heard together and are being disposed of by this common order.

4. Complainants of these cross FIRs submit that the misunderstanding, which led to registration of cross FIRs, now stands cleared and they stand by the affidavits filed in support of these petitions.

They submit both the sides are neighbours and to restore harmony between the parties, proceedings arising out of these two FIRs be brought to an end.

5. In "Gian Singh Vs. State of Punjab" (2012) 10 SCC 303 Apex Court has recognized the need of amicable resolution of disputes in cases like the instant one, by observing as under:-

"61. In other words, the High Court must consider whether it would be unfair or contrary to the interest of justice to continue with the criminal proceedings or continuation of criminal proceedings would tantamount to abuse of process of law despite settlement and compromise between the victim and the wrongdoer and whether to secure the ends of justice, it is appropriate that criminal case is put to an end and if the answer to the above question(s) is in the affirmative, the High Court shall be well within its jurisdiction to quash the criminal proceedings."

7. The aforesaid dictum stands reiterated by the Apex Court in a recent judgment in Narinder Singh v. State of Punjab (2014) 6 SCC 466.

8. In view of the fact that the incident in question, which led to lodging of these two FIRs, took place on a trivial issue and the misunderstanding amongst the parties now stands cleared, this Court finds that continuance of proceedings arising out of these cross FIRs would be an exercise in futility.

9. Accordingly, the proceedings arising out of FIR No.150/2012 and FIR No.131/2012, both registered at police station Sarojini Nagar, New Delhi shall stand quashed, subject to deposit of cost of Rs.10,000/- each in the above captioned two petitions with the Prime Minister's National Relief Fund within four weeks and after placing on record receipt of deposit of cost within two weeks thereafter.

10. The above captioned two petitions and applications are disposed of in aforesaid terms.

Dasti.