
(2010) 07 DEL CK 0357

In the Delhi High Court

Case No : Criminal M.C. 2245 of 2010 and Criminal M.A. 8754 of 2010

Satinder Lohia and Others

APPELLANT

Vs

State and Others

RESPONDENT

Date of Decision : 16-07-2010

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 482
Penal Code, 1860 (IPC) — Section 323, 34, 452, 506

Citation : (2010) 07 DEL CK 0357

Hon'ble Judges : Hima Kohli, J

Bench : Single Bench

Advocate : Madan Lal, for the Appellant; M.N. Dudeja, APP, Raj Singh, ASI and Sameer Dewan, for R-2 and 3, for the Respondent

Judgement

Hima Kohli, J.—The present petition is filed by the petitioners u/s 482 Cr.P.C. praying inter alia for quashing of proceedings initiated by the respondent No. 2/ complainant against the petitioners on the basis of an FIR No. 306/2009 lodged by him under Sections 323/452/506/34 IPC registered with PS Mehrauli.

2. It is stated in the petition that the dispute between the petitioners and respondents No. 2 & 3 (petitioners in CrI.M.C.2204/2010) arose out of non-payment of rent by the respondent No. 2 & 3, who are the tenants of one Smt. Gyanwati, landlady in respect of the premises bearing No. 39-A, Silver Oak Farm, Ghitorni, New Delhi. The petitioners herein are the sons of the landlady. Both the parties state that when the mother of the petitioners wanted to seek recovery of rent from the respondents No. 2 & 3, they visited the house of the respondents No. 2 and 3 with a friend and heated words were exchanged between the parties. Thus, a trivial issue got blown out of proportion and in the scuffle which took place between the parties, both sustained some injuries. As a result, cross-complaints were filed by both the parties against each other. It is further stated that within the one week of the aforesaid incident, the parties arrived at a mutual settlement, in terms of which the respondents paid the arrears of rent to the

landlady and also handed over vacant peaceful physical possession of the tenanted premises to her.

3. Both the parties sought and were granted anticipatory bail in the two FIRs lodged by them against each other. Thereafter a challan is stated to been filed in respect of the FIR No. 306/2009, subject matter of the present petition, as also in respect of the FIR No. 315/2009, lodged by the respondent No. 2 herein against Shri Parvinder Kumar, respondent in CrI.M.C. No. 2204/2010. It is stated by the parties that in view of the aforesaid settlement arrived at between them, no useful purpose will be served by proceeding further with the aforesaid FIRs and the proceedings arising therefrom and it would be in the interest of justice that the settlement arrived at between the parties be accepted and the respective FIRs, subject matter of the present petition as also the CrI.M.(M) No. 2245/2010, be quashed.

4. Learned APP for the State also states that he does not seriously oppose the prayer made in the present petition. However, he submits that in view of the fact that the petitioners and the complainants have set into motion the legal machinery of the State, which has resulted in incurring unnecessary expenditure and wastage of valuable time, they be put to terms for seeking the relief in the present petition.

5. This Court has carefully considered the submissions of the parties. Parties are present in the Court and confirm having arrived at the aforesaid settlement. The disputes between the parties were apparently civil in nature and the same have been resolved amicably. The respondents have handed over vacant peaceful physical possession of the tenanted premises to the landlady, mother of the petitioners. No further disputes subsist between the parties and they state that they do not have any pending grievance against each other.

6. In these circumstances, it is deemed appropriate to quash FIR No. 306/2009, subject matter of the present proceedings, as also all the proceedings arising out therefrom, subject to the petitioners and the respondents No. 2 & 3 depositing a sum of Rs. 5,000/- each, payable to the Juvenile Justice Board, within a period of one week from today.

7. The petition is disposed of along with the pending application.