
(2019) 09 DEL CK 0025

In the Delhi High Court

Case No : Criminal Writ Petition No. 2423, 2427 Of 2019, Criminal Miscellaneous Application No. 34678, 34711 Of 2019

Tribhawan @ Tribhuwan Kunvar & Anr

APPELLANT

Vs

State & Anr

RESPONDENT

Date of Decision : 05-09-2019

Acts Referred:

Indian Penal Code, 1860 — Section 34, 341, 354, 354A, 354B, 506, 509

Citation : (2019) 4 JCC 3825

Hon'ble Judges : Sanjeev Sachdeva, J

Bench : Single Bench

Advocate : Vipin Kumar Anand, Thakur Sumit, Richa Kapoor, Shivani, Chaitany Bansal, Aanuj Bhadana, Avi Singh, Prashant Sharma

Final Decision : Disposed Off

Judgement

Sanjeev Sachdeva, J

1. Petitioners in W.P.(CRL) 2423/2019 seek quashing of the FIR No.35/2018 under Sections 341/354/506/509/34 IPC registered at Police Station Special Cell. Subject FIR was registered on the complaint of Ms.Deepa Arya against the petitioners, who are the security guards in the property occupied by her.

2. Petitioners in W.P.(CRL) 2427/2019 seek quashing of the FIR No.19/2015 under Sections 354A/354B/506/509/34 IPC, P.S. Paharganj (subsequently transferred to P.S. Special Cell).

3. The subject FIRs emanate out of larger family dispute. There were several other FIRs and cross-FIRs registered against each other. The petitioners in the W.P.(CRL) 2427/2019 are related to the complainant and petitioners in W.P.(CRL) 2423/2019 were employed as security guards by the petitioners in W.P.(CRL) 2427/2019.

4. Parties were referred to the Delhi High Court Mediation & Conciliation Centre.

Parties have entered into a Settlement Agreement dated 15.5.2019 before the Mediation Centre, whereby all inter se disputes between them have been resolved.

5. Petitioners in W.P.(CRL) 2423/2019 and W.P.(CRL) 2427/2019 as well as complainant are present in court today, except Mr. Chander Shekhar Arya, who is the real brother of respondent no.2/complainant in the case W.P.(CRL) 2423/2019.

6. On the oral prayer of the petitioners, Mr.Chander Shekhar Arya, is impleaded as co-petitioner to the petition [W.P.(CRL) 2427/2019]. The amended memo of parties along with affidavit of the General Power of Attorney holder, Mr.Gaurav Goyal, has been handed over in court today and the same is taken on record. Exemption from personal appearance is prayed for Mr.Chander Shekhar Arya, since he is based in Australia and is being represented through Power of Attorney.

7. Exemption from personal appearance sought for Mr.Chander Shekhar Arya, is granted.

8. Parties confirm the Settlement Agreement dated 15.5.2019 and undertake to abide by the terms and conditions as contained therein.

9. Ms. Deepa Arya, who is present in court submits that since she has settled with the petitioners she does not wish to prosecute and charges or the allegations against the petitioners.

10. As per the settlement agreement a sum of Rs. 5,00,000/- has been paid to Ms.Deepa Arya by way of handing over a pay order bearing No.334538 in the dated 27.08.2019 drawn Oriental Bank of Commerce.

11. In view of the fact that the parties are family members and their security guards and have resolved their disputes and the complainant does not wish to press her complaints, 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 FIRs and the consequent proceedings emanating there from.

12. Accordingly, the petitions are allowed. FIR No.35/2018 under Sections 341/354/506/509/34 IPC registered at Police Station Special Cell; and the FIR No.19/2015 under Sections 354A/354B/506/509/34 IPC, Police Station Paharganj (subsequently transferred to P.S. Special Cell), and the consequent proceedings emanating there from are quashed.

13. The petitions are accordingly, disposed of in the above terms.

14. Order Dasti under signatures of the Court Master.