

Rakesh & Ors vs.state Delhi Admin & Anr

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Court : Delhi

Decided On : Sep-11-2017

Appellant : Rakesh & Ors

Respondent : State Delhi Admin & Anr

Advocate for Pet/Ap. : Mr. Sanjay Kumar Sharma, Ms. Aashaa Tiwari, Mr. Charanjit Sharma, Mr. Piyush Singhal, Mr. Sanjay Lao

Judgement :

\$~11, 18 to 20 * % + + IN THE HIGH COURT OF DELHI AT NEW DELHI Date of Decision:

11. 09.2017 CRL.M.C. 2199/2017 SHRI JASRAJ @ RAJAN & ORS

... Petitioner

s Through: Mr. Sanjay Kumar Sharma, Advocate along with petitioners in person.
versus THE STATE NCT OF DELHI & ORS.

... RESPONDENTS

Through: Ms. Aashaa Tiwari, APP for the State with ASI Sudesh, P.S. Jafarpur Kalan, Delhi and ASI Veena Sharma, DIU/SWD, Delhi Mr. Charanjit Sharma, for respondents along with R-2 and R-3 in person. W.P.(CRL) 1613/2017 RAKESH & ORS Through: Mr. Charanjit Sharma, Advocate along with petitioners in person.

.....

... Petitioner

s versus STATE DELHI ADMIN & ANR

... RESPONDENTS

Through: Mr. Piyush Singhal, Advocate for Mr.Avi Singh, ASC for the State with W/SI Manju, CAW/Cell, Dwarka, Delhi. Mr. Sanjay Kumar Sharma, Advocate for R-2 along with respondent No.2 in person. CRL. M.C21992017, W.P. (CRL). No.1613 /2017, W.P. (CRL). No.1616 /2017 & W.P. (CRL) 1637/2017 Page 1 of 6 + + W.P.(CRL) 1616/2017 RAKESH & ORS Through: Mr. Charanjit Sharma, Advocate along with petitioners in person

... Petitioner

s versus STATE DELHI ADMIN & ANR

... RESPONDENTS

Through: Mr. Piyush Singhal, Advocate for Mr.Avi Singh, ASC for the State with W/SI Manju, CAW/Cell, Dwarka, Delhi. Mr. Sanjay Kumar Sharma, Advocate for R-2 along with respondent No.2 in person. W.P.(CRL) 1637/2017 SHRI JASRAJ @ RAJAN & ORS

... Petitioner

s Through: Mr. Sanjay Kumar Sharma, Advocate along with petitioners in person. versus THE STATE NCT OF DELHI & ORS.

... RESPONDENTS

Through: Mr. Sanjay Lao, ASC for the State with ASI Sudesh, P.S. Jafarpur Kalan, Delhi and W/SI Veena, DIU/SWD, Delhi. Mr. Charanjit Sharma, Advocate for R-2 and R-3 along with respondents No.2 and 3 in person. CORAM: HON'BLE MR. JUSTICE VINOD GOEL VINOD GOEL, J.

(Oral) CRL.M.C. 2199/2017 1. In this petition, respondents No.2 to 3 appear in person. They are CRL. M.C21992017, W.P. (CRL). No.1613 /2017, W.P. (CRL). No.1616 /2017 & W.P. (CRL) 1637/2017 Page 2 of 6 2. being represented by their counsel. They are duly identified by IO ASI Sudesh. The petitioners have approached this Court under Section 482 of the Code of Criminal Procedure, 1973 (in short Cr.P.C.) for quashing of the FIR bearing No.321/2014, registered on

13.12.2014 against them, with Police Station Jaffarpur Kalan, District South West, Delhi under Sections 452/354/3

IPC on the complaint of respondent no.2. W.P.(CRL) 1613/2017 3. In this petition, respondent No.2 appears in person. She is being represented by her counsel. She is duly identified by IO W/SI Manju. The petitioners have approached to this Court under Section 482 of the Code of Criminal Procedure, 1973 (in short Cr.P.C.) for quashing of the FIR bearing No.198/2016, registered on 10.10.2016 against them, with Police Station Jaffarpur Kalan, District South West, Delhi under Sections 354/354(B)/506/5

IPC on the complaint of respondent no.2.

4. 6. W.P.(CRL) 1616/2017 5. In this petition, respondent No.2 appears in person. She is being represented by her counsel. She is duly identified by IO W/SI Manju. The petitioners have approached to this Court under Section 482 of the Code of Criminal Procedure, 1973 (in short Cr.P.C.) for quashing of the FIR bearing No.262/2014, registered on 23.10.2014 against them, with Police Station Jaffarpur Kalan, District South West, Delhi CRL. M.C21992017, W.P. (CRL). No.1613 /2017, W.P. (CRL). No.1616 /2017 & W.P. (CRL) 1637/2017 Page 3 of 6 under Sections 354(D)/324/5

IPC on the respondent no.2. complaint of W.P.(CRL) 1637/2017 7. In this petition, respondents No.2 & 3 appear in person. They are being represented by their counsel. They are duly identified by IO SI Veena. The petitioners have invoked the writ jurisdiction of this court under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973 (in short Cr.P.C.) for quashing of the FIR bearing No.197/2016, registered on 10.10.2016 against them, with Police Station Najafgarh, District South West, Delhi under Sections 354/354(B)/506/5

IPC on the complaint of respondent no.2. In the above said four matters, it is submitted that the petitioners and respondents/complainants are family members and related to each is further submitted that other. It they are residing in the same building. It is further submitted that all the parties have amicably resolved and settled their disputes on 15.03.2017. The family settlement deed dated 15.03.2017 was reduced in writing. Copy of the settlement deed is placed on record. The complainants in all the four cases submit that they have settled and resolved all

their disputes with the respective petitioners without any force, coercion or duress. It is submitted by all the complainants 8.

9. 10. CRL. M.C21992017, W.P. (CRL). No.1613 /2017, W.P. (CRL). No.1616 /2017 & W.P. (CRL) 1637/2017 Page 4 of 6 11.

12. 13. in all the aforesaid four FIRs that they do not want to pursue the said FIRs. They submit that in view of the settlement, the said FIRs may be quashed. Learned APP as well as learned ASC through IO submits that in all the FIRs charge sheets have already been filed. The Honble Supreme Court in Narinder Singh v. State of Punjab, (2014) 6 SCC466 while elaborating the nature of cases in which FIR can be quashed after a settlement has been arrived at between the victim and accused held as under:-

"29.4. On the other hand, those criminal cases having overwhelmingly and predominantly civil character, of particularly commercial transactions of matrimonial relationship or family disputes should be quashed when the parties have resolved their entire disputes among themselves. those or out out arising arising The parties in the present case are related to each other and reside in the same property which is the subject matter of the dispute. A Civil Suit bearing CS(OS) No.3895/2014 which is still pending adjudication was also filed by respondent No.3 and Shri Surjeet Singh against petitioner No.1 and Shri Ram Kumar for partition and permanent injunction in respect of this property where all parties are residing. All the parties have amicably resolved and settled all their disputes by way of compromise deed dated 15.03.2017 by which they have decided to partition the said property as per the compromise CRL. M.C21992017, W.P. (CRL). No.1613 /2017, W.P. (CRL). No.1616 /2017 & W.P. (CRL) 1637/2017 Page 5 of 6 deed dated 15.03.2017 and settle all their disputes. All the parties are related to each other and belong to the same family and since this criminal case has a predominantly civil character which is arising out of a property dispute which has now been settled, therefore, no fruitful purpose would be served in pursuing the said FIRs. In light of the principle laid down in Narinder Singhs case (supra) and in the circumstances of the case, to maintain peace and harmony in the society and to secure ends of justice,

(1) FIR bearing No.321/2014, registered on 13.12.2014, under Sections 452/354/3IPC,

(2) FIR bearing No.198/2016, registered on 10.10.2016 under Sections 354/354(B)/506/5IPC,

(3) FIR bearing No.262/2014, registered on 23.10.2014 under Sections 354(D)/324/5IPC &

(4) FIR bearing No.197/2016, registered on 10.10.2016, under Sections 354/354(B)/506/5IPC with Police Station Jaffarpur Kalan, South-West District, Delhi and proceedings arising out of the said FIRs are hereby quashed.

14. Both the petitions are disposed of accordingly.

15. Dasti. SEPTEMBER11 2017 sandeep (VINOD GOEL) JUDGE CRL. M.C21992017, W.P. (CRL). No.1613 /2017, W.P. (CRL). No.1616 /2017 & W.P. (CRL) 1637/2017 Page 6 of 6

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