

Anil Kumar Etc. Vs. State

Anil Kumar Etc. Vs. State

SooperKanoon Citation : sooperkanoon.com/699857

Court : Delhi

Decided On : Sep-02-2003

Reported in : 2003VIIAD(Delhi)400; 106(2003)DLT524

Judge : Usha Mehra and; Pradeep Nandrajog, JJ.

Acts : [Constitution of India](#) - Article 226; Indian Penal Code (IPC) - Sections 34, 323, 324 and 452

Appeal No. : Crl. Writ Petition No. 39 of 2003

Appellant : Anil Kumar Etc.

Respondent : State

Advocate for Def. : Akshay Bipin, Adv.

Advocate for Pet/Ap. : P.L. Kalra, Adv

Disposition : Petition allowed

Judgement :

ORDER

Crl. W. No. 39/2003 :

1. Pertaining to Shop No. 3 of property bearing Municipal No. 64/B, Sawan Park Extension, Ashok Vihar, Delhi-52, cross-complaints came to be filed between

petitioners 1 to 4 on the one hand and petitioners 5 to 14 on the other. In all, 11 criminal cases came to be filed. Parties settled their disputes and based on settlement have filed the present petition that the FIRs and criminal proceedings pending between the parties be quashed. Since it was noticed that except for FIR No. 239/90 and FIR No. 238/90 all other cases are compoundable, Counsel for the petitioner stated that he restricts the petition to FIR Nos. 239/90 and 238/90 and leave be granted to him to apply to the concern Courts for compounding of the rest of the cases. Leave granted.

2. Today, in Court, Anil Kumar and Om Prakash have filed affidavits which are taken on record. Anil Kumar the complainant in FIR No. 238/90 under Sections 452/324/323/34, IPC, P.S. Ashok Vihar proceedings pursuant where to are pending in the Court of Raj Kapur, Metropolitan Magistrate, Tis Hazari affirmed that there was some misunderstanding between the parties which led to the civil litigation and consequential criminal litigation. Dispute was settled and, therefore, he does not wish to continue with the criminal proceedings. Likewise, Om Prakash in his affidavit has affirmed that FIR No. 239/90 under Sections 308/323/34, IPC, P.S. Ashok Vihar in which he was a complainant, pursuant where to a case is pending in the Court of P.C. Ranga, ASJ, Tis Hazari, Delhi, was a result of some misunderstanding arising out of a civil dispute and he does not wish to continue with the proceedings.

3. Since the disputes between the parties was a fall out of a civil litigation and parties have affirmed that there was some misunderstanding which led to the registration of the two FIRs in question, we are satisfied that a bona-fide settlement has been arrived at between the parties, requiring the exercise of our power under Article 226 of the [Constitution of India](#). We accordingly quash FIR No. 238/90 under Sections 452/324/323/34, IPC, P.S. Ashok Vihar. We also quash the FIR No. 239/ 90 under Section 308/323/34, IPC, P.S. Ashok Vihar. Proceedings pursuant to the two FIRs pending in the Court of the Metropolitan Magistrate and the learned Additional Sessions Judge are ordered to be dropped.