

Rajeshwar Bal and anr Vs State and anr

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Court : Delhi

Decided On : Jul-16-2010

Judge : Ms. Hima kohli, j.

Acts : Code Of Criminal Procedure (CRPC) - Sections 482 ; Indian Penai Code (IPC) - Sections 30,323, 342, 34

Appeal No. : CRL. M.C. 2204/2010 and Cri.M.A. 8625/2010

Appellant : Rajeshwar Bal and anr

Respondent : State and anr

Advocate for Def. : Mr. M.N. Dudeja, ; Mr. Madan Lal, Adv.

Advocate for Pet/Ap. : Mr. Sameer Dewan, Adv.

Judgement :

1. Whether Reporters of Local papers may be allowed to see the Judgment? No
2. To be referred to the Reporter or not? No
3. Whether the judgment should be No reported in the Digest?

ORDER. (Oral)

1. The present petition is filed by the petitioners under Section 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.315/2009 lodged by him under Sections 308/323/342/34 IPC with PS Mehrauli.

2. It is stated in the petition that the dispute which arose between the parties, was civil in nature and related to non-payment of rent by the petitioners, who were at the relevant time, the tenants of one Smt. Gyanwati, landlady in respect of the premises bearing No.39-A, Silver Oak Farm, Ghitori, New Delhi. Both the parties state that when the respondent No.2 accompanied the sons of the landlady to seek recovery of rent from the petitioners, heated words were exchanged between the parties and 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 petitioners 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 have been filed in respect of the FIR No.315/2009, subject matter of the present petition, as also in respect of the FIR No.306/2009, lodged by the petitioner No.1 herein against Shri Satinder Lohiya, Sunder Lohiya and Sunil, petitioners in CrI.M.(M) No.2245/2010. 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 complainant 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 petitioners have handed over vacant peaceful physical possession of the tenanted premises to the landlady. 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.315/2009, subject matter of the present proceedings, as also all the proceedings arising out therefrom, subject to the petitioners and the respondents No.2 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.

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