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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ CRL.M.C. 3989/2023

SACHIN @ JOGINDER SINGH Petitioner

Through: Mr Pawan K Bahl, Adv. (through
VC) with Mr Rohit Kudiya and Mr
Arjun Chaprana, Adv.

versus

STATE GOVT OF NCT OF DELHI & ORS. Respondents

Through: Mr Ajay Vikram Singh, APP for State
SI Amit Kumar, PS-O.I.A

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

% **29.05.2023**

CRL.M.A. 15011/2023

1. This is an application seeking condonation of 120 days delay in re-filing the petition.
2. In view of the submissions made by learned counsel and for the reasons stated in the application, the delay of 120 days in re-filing the petition is condoned.
3. The application is disposed of.

CRL.M.C. 3989/2023

4. This is a petition seeking quashing of FIR No. 0085/2017 dated 13.03.2017, under Sections 308/452/341/506/323/34 IPC, registered at Police Station-Okhla Industrial Area and proceedings emanating therefrom.
5. In the FIR it is stated that there was an altercation between the

petitioners and the respondents on the day of *Holi* as a result of which respondent No.4 was hit on the head with a *danda*. Hence, the FIR.

6. During the pendency of the proceedings, the parties have arrived at a settlement dated 06.12.2019 wherein the respondent Nos.2 to 6 have settled the dispute with the petitioners. The respondent Nos.2 to 6 state that they do not wish to prosecute the FIR any further and want to put a quietus to the entire matter. The petitioners also regret their action and undertake to never repeat the same in future.

7. The petitioners are present in Court and have been identified by their counsel Mr Rohit Kudiya.

8. The respondent Nos.2 to 6 are also present in Court and have been identified by the Investigating Officer SI Amit Kumar, PS-O.I.A.

6. Both the parties state that they have entered into the aforesaid settlement out of their own free will, volition and without any threat, force, undue influence or coercion. It is stated by respondent Nos.2 to 6 that they have no objection if the FIR is quashed.

7. Since the parties have arrived at a settlement and no disputes are pending, I am convinced that quashing of such proceedings on account of compromise would bring about peace and would secure ends of justice. In this case the proceedings are quashed as the respondent has decided to put a quietus to the matter. The Court does not see any fruitful purpose if criminal proceedings are permitted to be prosecuted any further. It is a fit case for quashing. In this view of the matter, there is no reason to continue the proceedings.

8. However, I am of the view that considerable time of the police and judicial time has been wasted as the FIR is of the year 2017. The police

machinery has been put in motion on account of the acts of commission & omission on behalf of the parties and useful time of the police which could have been utilised for important matters has been misdirected towards this case. The petitioners are stated to be belonging to poor strata of society. Hence, I refrain from imposing costs on the petitioners. However, I am of the view that the petitioners must do some social good.

9. For the above stated reasons, FIR No. 0085/2017 dated 13.03.2017, under Sections 308/452/341/506/323/34 IPC, registered at Police Station-Okhla Industrial Area is hereby quashed subject to the following conditions and its compliance:

a) The petitioners will plant 10 trees each of indigenous variety in the vicinity of their residence, in consultation with the Investigating Officer, who shall get in touch with the concerned Horticulture Department of the MCD and indicate the area, where the trees are to be planted. The trees need not be in one cluster but can be in parks, boundary walls etc, wherever the concerned department deems it fit and proper. The plantation process shall be carried out within 4 weeks;

b) The petitioners will look after the trees for next 10 years. The learned APP, for the State shall be informed with regard to each and every step in this regard. The above planting of trees shall be completed within a period of 4 weeks from today.

c) The I.O. concerned shall be in touch with the petitioners and ensure that the petitioner does the needful.

d) After the initial planting of trees, the parties shall file a compliance report. The petitioner and respondent No.2 shall file a status report every 1 year for 10 years giving the status of trees planted along with

photographs.

11. The petition is disposed of.
12. List for compliance on 09.10.2023.

JASMEET SINGH, J

MAY 29, 2023

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[Click here to check corrigendum, if any](#)