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

+ CRL.M.C. 4391/2022

+ CRL.M.C. 4408/2022

SARIKA PATEL

..... Petitioner

Through: Mr. Shrinkar Chaturvedi, Adv.

versus

STATE OF NCT OF DELHI & ANR.

..... Respondents

Through: Mr. Amit Sahni, APP for the State
with Opendar Singh, PS V K. South

With SI Rohit, PS Rani Bagh

Mohd. Monish, Adv. (VC)

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Date of Decision: 24th August, 2023

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

J U D G M E N T

DINESH KUMAR SHARMA, J. (Oral)

1. Present petitions have been filed under section 482 CrPC for quashing FIR No. 505/2014 dated 24.05.2014 registered under Section 289 IPC at PS Vasant Kunj in CRL MC 4391/2022 and FIR No.973/2014 dated 08.10.2014 registered under Sections 289/337 IPC at PS Vasant Kunj in CRL.M.C. 4408/2022.



2. FIR No. 505/2014 was lodged on the complaint of respondent No. 2 (in Crl MC 4391/2022) namely Preminder Singh Bawa alleging that on 24.05.2014 at around 5:10 PM when his grandson was playing in the park, two dogs, who were allegedly the pet dogs of the petitioner, bit him on his lower right leg. The child was immediately given first aid and vaccination.
3. FIR No. 973/2014 was lodged on the complaint of the respondent No. 2 (in CRL.M.C. 4408/2022) namely Sumit Bawa s/o Preminder Singh Bawa alleging that on 07.10.2014 at around 9 :00 PM when he was walking outside his house, three pet dogs of the petitioner attacked him. It was alleged that the since the main gate of the complainant's house was open, he tried to escape to save himself. However, one of the dogs bit him on the knee, due to which, his clothes got torn and his knee started bleeding. Thereafter, he was rushed for first aid and treatment.
4. It has been submitted that the chargesheet in the above said cases have already been filed and the matter is pending adjudication before the learned Trial Court.
5. Learned counsel for the petitioner submits that the petitioner is a philanthropist and an animal lover who regularly feeds stray dogs and small pups living in her neighborhood. Learned counsel submits that the dogs alleged to have bit the complainants are in fact stray dogs and not her pet and the petitioner possibly could not have any control over the stray dogs. It has been submitted that after the incident a mob



comprising of the respondent No. 2 -Preminder Singh Bawa and his son Sumit Bawa along with some other neighbours went to the house of the petitioner and threatened her on the false allegation of provoking the stray dogs. Basis this, the petitioner also got registered FIR No. 1200/2014 dated 30.11.2014 under sections 451/427/506/509/34 IPC against the respondent No. 2 and some neighbours. Petitioner further got registered another FIR No. 1301/2014 dated 24.12.2014 under sections 325/34 IPC against respondent No. 2 and some others. In addition to this, FIR No. 1196/2014 dated 30.11.2014 was also registered under section 289 IPC on the complaint of another neighbour against the petitioner on the allegation of her dog biting his son. It has been submitted that the chargesheet in the said cases have already been filed.

6. Learned counsel for the parties submit that however while the proceedings were underway, all the parties reached on an amicable settlement vide compromise deed dated 16.05.2022 on the following terms and conditions:

“This deed of Compromise/ settlement/ memorandum of understanding has been prepared and executed on this 16th day of May, 2022 at New Delhi, between the parties/ Complainant/ Accused mentioned herein unto amicably resolve /compromise/compound/quash the following FIRs as well as the subsequent proceedings ensued therefrom:

<i>FIR No.</i>	<i>Under Section</i>	<i>Police Station</i>	<i>Complainant</i>	<i>Accused</i>
<i>And Date</i>				



<i>1200 DT. 30.11.2014</i>	<i>451/427/ 506/509/ 34 IPC</i>	<i>Vasant Kunj (South)</i>	<i>Sarika Patel</i>	<i>Umang Singh, Gyanendra Pratap Singh, SumitBawa, Prem Bawa, Vimmi Kapoor, Bharti Kapoor, Naresh Yadav, Meghna Gupta @ Poonam</i>
<i>1301 DT. 07.10.2014</i>	<i>325/34 IPC</i>	<i>Vasant Kunj (South)</i>	<i>Sarika Patel</i>	<i>SumitBawa and ParvinderBawa @ Prem Bawa</i>
<i>1196 DT. 30.11.2014</i>	<i>289 IPC</i>	<i>Vasant Kunj (South)</i>	<i>Vinod Sewhag</i>	<i>Sarika Patel</i>
<i>973 DT. 08.10.2014</i>	<i>289 IPC</i>	<i>Vasant Kunj (South)</i>	<i>SumitBawa</i>	<i>Sarika Patel</i>
<i>505 DT. 24.05.2014</i>	<i>289 IPC</i>	<i>Vasant Kunj (South)</i>	<i>Preminder Singh Bawa</i>	<i>Sarika Patel</i>

WHEREAS the above noted cases have been registered inter-se



against the parties/Complainant/Accused named in the column of Accused persons on the complaints lodged by the persons named in the column of Complainant.

WHEREAS the parties/Complainant/Accused have been living in the neighbourhood of each other and have lived since long in a cordial atmosphere without any grudges against each other. Besides, the parties/Complainant/Accused have voluntarily, amicably and on the intervention of other senior residents as well as officials of RWA have decided to put an end to the ongoing litigation for the better and peaceful future of their wards. Hence, the present Compromise/settlement/memorandum of understanding has been executed.

The parties/Complainant/Accused have determined and decided to resolve the issues finally by moving appropriate applications/ petitions for compounding/quashing in the court of competent jurisdiction as per law.

The parties/Complainant/ Accused undertake to cooperate by signing appropriate applications/petitions/affidavits and also to be physically present wheresoever it may be required. The parties/ Complainant/Accused have also undertaken and ensure that they will not indulge in any future complaints nor they would claim any kind of damages against each other.

WHEREAS Sarika Patel is an Accused in FIR No.512/2014 filed by the person namely Kusum Lata and in FIR No.87/2017 filed by the erstwhile driver of Bharti Kapoor namely Manoj Yadav, both registered at P.S. Vasant Kunj (South). The parties/Complainant/Accused have agreed and undertaken to co-operate and make efforts to put an end to the cases of FIR No. 512/2014 and 87/2017. Both the Complainants Kusum Lata and Manoj Yadav are not traceable and have never appeared in Court of the competent jurisdiction. The witnesses in FIR No.512/2014 namely Umang Singh, Akil Bawa and Satyajit



Patnaiyik who are residents of the same vicinity will cooperate and make efforts to put an end to the case of FIR No. 512/2014.

AND WHEREAS despite having cordial relationship all the parties/ Complainant/Accused are living under agony due to the said F.I.Rs. However, now, all the parties finally want to settle their entire conflicts with each other in every manner.

AND WHEREAS parties/Complainant/Accused have mutually decided to settle their disputes as per the terms and conditions of this settlement deed.

This compromise has been reached between the parties/ Complainant/Accused without any kind of coercion, pressure or threat from any side and with sincere intentions to put an end to the dispute regarding above mentioned F.I.R.s/their trials pending between them.

It is agreed between the parties/Complainant/Accused that they will not interfere in the lives or work / career of each other in any manner and will not put anything against each other in verbal or in written form in their friend's circle, near and dear ones, families and relatives, in any manner including articles, newspapers, magazines and social media platforms including WhatsApp, Facebook, twitter, Instagram etc.

That the parties/Complainant/Accused do not want to pursue the above mentioned FIRs/their trials against each other or any sort of litigation on the basis of the above-mentioned FIRs, consequently all parties want to put an end to the controversy or dispute. pertaining the abovementioned F.I.R.s and wish to live their future life happily and work peacefully.

This deed of Compromise/ settlement/ memorandum of understanding has been prepared and executed originally in eight sets.”

7. It has been submitted that pursuant to the above settlement the parties



have now amicably resolved all their disputes and no longer wish to pursue the present complaint. Learned counsel for the petitioner submits that the parties are neighbours and well known to each other. Learned counsel submits that in order to maintain peace and harmony in their society the parties want to put a quietus to the present complaints. It has been submitted that since the parties have settled and no longer have any grievance against each other, it would be futile to keep the complaints pending.

8. Petitioner is present in person. Respondent No. 2 in CRL MC 4391/2022 namely Preminder Singh Bawais stated to be seriously ill and bed ridden. His son Sumit Bawa who is the respondent No. 2 in CRL.M.C. 4408/2022 is present in person. All parties have been duly identified by the IO. The parties state that the present dispute arose due to misunderstandings between the parties which now stands amicably resolved. Respondent No.2/Sumit Bawa states that they have amicably settled all their disputes and grievances with the petitioner vide settlement deed dated 16.05.2022 and do not wish to pursue the present complaints any further. The parties state that they are neighbours to each other and resolve to live peacefully in the future. The parties state that they have no objection if the present FIRs and all other proceedings emanating therefrom are quashed. The parties state that they are making the statement voluntarily against all claims (past, present and future) without any fear, force, undue



influence or coercion.

9. I have considered the submissions. The parties are neighbours living in the same vicinity. The dispute between the parties is predominantly private in nature and the parties have amicably settled all their disputes. In the interest of justice it would be better to put a quietus to the dispute. The chances of conviction would also be bleak, given that the parties do not wish to pursue the present complaints on account of the settlement. I do not see any reason to reject the settlement. However, the issue of stray dog menace is a serious issue, which needs to be addressed with urgency by the concerned authority.
10. Let a copy of this order be sent to Commissioner, MCD for taking appropriate action.
11. Taking into account the totality of facts and circumstances, FIR No. 505/2014 dated 24.05.2014 registered under Section 289 IPC at PS Vasant Kunj in CRL MC 4391/2022 and FIR No. 973/2014 dated 08.10.2014 registered under Sections 289/337 IPC at PS Vasant Kunj in CRL.M.C. 4408/2022 and all other proceedings emanating therefrom are quashed.
12. Accordingly, the present petitions stand disposed of.

DINESH KUMAR SHARMA, J

AUGUST 24, 2023

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