

Dr. Mohd. Mehtab Alam And Ors vs State (Govt. Of Nct, Delhi) & Anr on 27 August, 2020

Author: Anup Jairam Bhambhani

Bench: Anup Jairam Bhambhani

via Video-conferencing

\$~7

* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ W.P. (CRL.) 1327/2020

DR. MOHD. MEHTAB ALAM AND ORS.Petitioners

Through: Mr. Shoaib Khan, Advocate with Mr.
Aditya Tanwar, Advocate.

Versus

STATE (GOVT. OF NCT, DELHI) & ANR. Respondents

Through: Mr. Ranbir Singh Kundu, ASC for the
State with S.I. Dharmender Kumar.
Mr. Prashant Chahal, respondent No.2
in-person.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI
ORDER

% 27.08.2020 The petitioners, who are all doctors by profession, seek quashing of FIR No.507/2019 dated 17.11.2019 registered under sections 323/341/34 IPC at P.S.: New GTB Enclave, Delhi, on the basis that disputes have been settled with the complainant, who is respondent No.2 in the present petition ; and the parties do not wish to take the criminal proceedings forward.

2. Mr. Shoaib Khan, learned counsel for the petitioners submits that the FIR came to be filed due to an altercation between the petitioners and respondent No.2 on 17.11.2019 by reason of a misunderstanding, as detailed in the petition.

3. Be that as it may, counsel submits that due to intervention of family members and other respectable persons of society and keeping in view the welfare and interests of all parties, the disputes between the parties have been settled amicably and without any threat, pressure or coercion; and a settlement deed dated 04.12.2019 has been signed by the petitioners and respondent No.2. It is recited in the settlement deed that respondent No.2 shall not file any claim against the petitioners and shall also extend all possible assistance in quashing of the FIR.

4. Counsel further submits that the offences alleged in the FIR are all compoundable; and that

respondent No.2 has also filed an affidavit in support of the present petition, affirming that all disputes between the parties stand settled amicably and that respondent No.2 has no objection in the FIR being quashed.

5. Proofs of identity of the petitioners as well as of respondent No.2, by way of copies of their Election Card/Aadhaar Card/Drivers Licence have been filed along with the petition.

6. Mr. Ranbir Singh Kundu, learned Additional Standing Counsel (ASC) appears for the State on advance copy. The Investigating Officer/S.I. Dharmender Kumar from P.S.: GTB Enclave has also joined the video-conference hearing. Respondent No.2/Mr. Prashant Chahal has also joined the video-conference hearing and has been identified by the Investigating Officer.

7. This court has interacted with Mr. Prashant Chahal/ respondent No.2 who confirms the settlement of disputes by way of the settlement deed and says that he has no objection if the FIR is quashed.

8. Mr. Kundu confirms that no chargesheet has been filed in the matter as of date.

9. In view of the fact firstly, that all offences alleged in the FIR are compoundable; secondly, that the dispute appears to have arisen by reason of an altercation arising from a misunderstanding between the parties; thirdly, that the settlement deed evidences the fact that parties have settled their inter se disputes and do not wish to continue with legal proceedings in the matter; and fourthly, that no third party appears to be affected either by the offences alleged in the FIR or by the settlement of disputes or by quashing of the FIR.

10. In the circumstances, in the light of the decision of the Supreme Court in *Narinder Singh & Ors. vs State of Punjab & Anr.* reported as (2014) 6 SCC 466, this court does not see any reason why the FIR should not be quashed in the larger interests of peace, harmony and welfare of all concerned parties.

11. Accordingly FIR No. 507/2019 dated 17.11.2019 registered under sections 323/341/34 IPC at P.S.: New GTB Enclave, Delhi and all proceedings arising therefrom, are hereby quashed.

12. The petition is allowed and disposed of.

13. Other pending applications, if any, also stand disposed of.

ANUP JAIRAM BHAMBHANI, J AUGUST 27, 2020 Ne