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

+ CRL.M.C. 629/2022

RAMESH CHANDRA & ORS. Petitioners

Through: Mr. Suresh Sharma, and Mr. Suresh,
Advs.

Ms. Sumati Sharma, Adv. with all the
petitioners.

versus

STATE NCT OF DELHI & ORS. Respondents

Through: Mr. Raghuvinder Verma, APP for the
State with ASI Rajesh Kumar, PS
Tigri.

+ CRL.M.C. 2493/2022

RADHE SHAYAM YADAV & ORS. Petitioners

Through: Mr. Suresh Sharma, and Mr. Suresh,
Adv.

Mr. Ajay Kumar ,Mr. Akash and
Ms.Swati, Adv.

versus

STATE NCT OF DELHI & ORS. Respondents

Through: Mr. Raghuvinder Verma, APP for the
State with ASI Rajesh Kumar, PS
Tigri.

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Date of Decision: 13th April, 2023

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

J U D G M E N T

DINESH KUMAR SHARMA, J. (Oral)

1. Both the petitions have been filed under section 482 Cr.P.C seeking quashing of FIR No. 101/2021 and 102/2021.
2. Briefly stated facts of the case are that FIR No. 101/2021 under Section 308/34 IPC was lodged by the Vicky Yadav, against Mukesh, Damodar and Mr. Ramesh Chand. On the same day, Seema also lodged an FIR No. 102/2021 under section 354 IPC against Radhe Shayam, Bijender and Vicky Yadav. It is submitted that the parties are neighbours living in the same locality. They had an heated argument and started abusing each other on the street of their locality. They also had an argument with each other 7-8 days before this incident took place in which both of them spoke ill about each other. Due to these incidents both of them filed cross-FIRs against each other.
3. After the investigation, the charge sheet in case FIR No. 101/2021 was filed under Section 307/34 IPC. However, it is submitted that now both the parties have reached on a settlement and two MoU in the respective cases have been placed on record.

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4. The MoU dated 18.01.2022 between Radhe Shyam Yadav, Bijendra , Vicky and Seema has been placed on record and the terms and conditions reads as follows:

“1. That both the Parties have agreed to co-operate with each other for quashing of the FIR No.101/2021 PS Tigri u/s 308/34 of Indian Penal Code and FIR No.102/2021 PS Tigri u/s 354 of Indian Penal Code.

2.That the both the parties are living in the same locality and neighbors.

3 .That both the Parties have settled the dispute with each other without any threat, pressure, coercion, undue influence and duress and out of their free will and as well good sense has prevailed between the parties.

4. That the both parties have decided to live peacefully in future.

5. That both the Parties have settled their all disputes without any consideration and agreed to execute the present Memorandum of Understanding for quashing of aforesaid FIRS registered against each before the Hon’ble High Court.”

5. The MoU dated 21.07.2022 between Mukesh , Damodar, Ramesh Chandra and Vicky Yadav has been placed on record and the terms and conditions of the same reads as under :

“1. That both the parties have agreed to co-operate with each other for quashing of the FIR No.101/2021 PS Tigri U/s 308/34 of IPC and FIR No.102/2021 PS Tigri u/s 354 of IPC.

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2. That the both the parties are living in the same locality and neighbours.

3. That both the parties have settled the dispute with each other without any threat, pressure, coercion, undue influence and duress and out of their free will and as well goos sense has prevailed between the parties.

4. That the both parties have decided to live peacefully in future.

5. That both the parties have settled their all disputes without any consideration and agreed to execute the present memorandum of understanding for quashing of aforesaid FIRs registered against each other before the Hon'ble High Court."

6. IO is present and has duly identified the petitioners as well as complainants in both the cases.
7. It has been repeatedly held by the Hon'ble Supreme Court and this court that when the chances of an ultimate conviction are bleak and, therefore, no useful purpose is likely to be served by allowing a criminal prosecution to continue, and where the court may be of the opinion that a settlement between the parties would lead to better relations between them, the court may exercise power under section 482 CrPC for quashing the proceedings or the complaint or the FIR as the case may be.
8. I consider that there would be no purpose of continuing with the proceedings. The parties have amicable settled the matter. In view of

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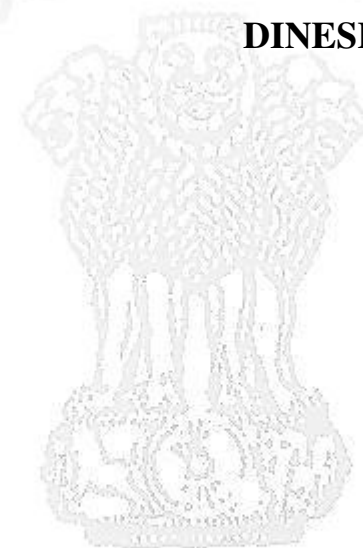
the above facts and circumstances, the case FIR No.101/2021 PS Tigri u/s 308/34 and FIR No. 102/2021 registered under section 354 IPC registered as PS Tigri and all the other proceedings emanating therefrom are quashed.

9. The present petitions stands disposed of.

APRIL 13, 2023

Pallavi

DINESH KUMAR SHARMA, J



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