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

+ CRL.M.C. 4859/2023

MS MANIBALA

..... Petitioner

Through: Mr. V.V.R. Rao, Adv. with petitioner.
versus

STATE GOVT. OF N.C.T & ANR.

..... Respondents

Through: Mr. Hemant Mehla, APP for State and
W/SI Deepika, PS K.M. Pur and W/SI
Kirandeep Kaur, PS K.M. Pur.
Mr. Naveen Bhardwaj, Adv. with R-2.

+ CRL.M.C. 4862/2023

MS JYOTSANA

..... Petitioner

Through: Mr. Naveen Bhardwaj, Adv. with
petitioner.

versus

STATE & ANR.

..... Respondents

Through: Mr. Hemant Mehla, APP for State and
W/SI Deepika, PS K.M. Pur and W/SI
Kirandeep Kaur, PS K.M. Pur.
Mr. V.V.R. Rao, Adv. with R-2.

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Date of Decision: 19.07.2023.

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

J U D G M E N T

DINESH KUMAR SHARMA, J. (Oral)

CRL.M.A. 18586/2023

CRL.M.A. 18595/2023

Exemption allowed subject to just exceptions.

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**CRL.M.C. 4862/2023**

1. The present petitions have been filed seeking quashing of case FIR No. 402/2022 registered under Sections 323/341 IPC at PS K.M. Pur and case FIR No. 403/2022 registered under Sections 323/324/506/509/34 IPC at PS K.M. Pur.
2. Briefly stated facts of the case are that the FIR No. 402/2022 was lodged on the statement of Ms. J alleging therein that the petitioner came to her beauty parlour and on not being satisfied by the work done by the complainant, the petitioner started quarrelling with her. It is further alleged that the Petitioner tore down the complainant's clothes. Thereafter a counter FIR bearing No. 403/2022 was lodged by Ms. M alleging there in that she had gone to the beauty parlour where respondent No.2 did not conduct the job satisfactorily. When the complainant objected to the work of respondent No.2, the respondent No.2 gave her a beating. Both the FIRs are of the same incident.
3. Learned counsel for the parties states that however during the pendency of the proceedings the parties have amicably entered into a settlement and MOU dated 10.07.2023 has been recorded wherein the parties have settled all their disputes on the following terms and conditions:

“1. That both parties shall withdraw their respective complaints lodged in PS K.M Pur, culminated into registration of FIR bearing No. 0403/2022 dated 20.09.2022 under section 323/324/506/509/34 IPC against the Second Party & cross FIR No. 0402/2022 dated 20.09.2022 under section 323/341 IPC against the First Party unconditionally.



2. That for the purpose of withdrawal/ quashing of the said FIRs, if so required, the parties shall approach the Hon'ble High Court or any other competent Court. This agreement shall be deemed to be a Non-Objection, on the part of respective parties against each other for approaching the Hon'ble High Court or any other Court in getting the FIR registered against each other for withdrawing/ quashing.

3. That both the parties shall co-operate with each other in getting the aforesaid cross FIRs withdrawn/ quashed registered against each other. The Parties, for the said purposes, shall sign and deliver to each other, as the need be, all such paper(s), affidavit(s), Petition(s), Undertaking(s), and/ or any other documents(s) which will be deemed appropriate and necessary towards the said purpose.

4. That this agreement shall not be deemed to be acknowledgement of any liability/wrong doing on the part of any of the parties and this agreement is without prejudice to the respective contention (s)/defense (s).

5. That in case either of the parties fail to perform any of its obligation under this agreement, the other party shall approach to the competent court of law for enforcement of this agreement.

6. The parties to this deed have understood the terms of this deed and have entered into this deed in their sound disposing mind, out of their own free will, volition, consent and without their being any force, pressure, coercion or undue influence of any party from any corner whatsoever.”

4. Ms. J and Ms. M are present in the court with their counsels and state that they have settled the matter voluntarily at their own free will without any fear, force or coercion.



5. The perusal of the FIRs shows that the incident was an outcome of a petty issue. Both the parties are young ladies who state that the incident happened at the spur of the moment.
6. IO has duly identified the parties and state that there is no other case against the parties.
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 Cr.P.C. 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. Taking into account the totality of facts and circumstances the present FIR No. 402/2022 registered under Sections 323/341 IPC at PS K.M. Pur and case FIR No. 403/2022 registered under Sections 323/324/506/509/34 IPC at PS K.M. Pur and all the other proceedings emanating therefrom are quashed.
9. The present petitions stand disposed of.

DINESH KUMAR SHARMA, J

JULY 19, 2023/AR