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

+ CRL.M.C. 3481/2021 & CRL.M.A. 16190/2023

38 RAKESH BHOLA & ORS. Petitioners

Through: Mr. Jatin Sapra, Adv.

versus

STATE & ORS. Respondents

Through: Mr. Hemant Mehla, APP for State and SI Vandana and ASI Suraj, PS Hari Nagar.

Mr. Sumit Gaba, Adv. with R-2 and 3.

+ CRL.M.C. 24/2022 & CRL.M.A. 15915/2023

76 HARPREET SINGH & ORS. Petitioners

Through: Mr. Sumit Gaba, Adv.

versus

STATE & ANR. Respondents

Through: Mr. Hemant Mehla, APP for State and SI Vandana and ASI Suraj, PS Hari Nagar.

Mr. Jatin Sapra, Adv. for R-2.

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Date of Decision: 02.06.2023.

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

J U D G M E N T

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DINESH KUMAR SHARMA, J. (Oral)

CRL.M.C. 3481/2021

CRL.M.C. 24/2022

1. The present petitions have been filed seeking quashing of case FIR No. 577/2021 under Sections 354/354B/506/509/34 IPC registered at P.S. Hari Nagar, Dist. West Delhi and FIR no. 576/2021 under Sections 354/354A/509/34 IPC registered at P.S. Hari Nagar, Dist. West Delhi.
2. Briefly stated facts of the case are that the parties involved in the matter are neighbours residing in the same vicinity of Hari Nagar. The present FIRs are cross-FIRs which were a result of some property dispute and misunderstanding. However with the intervention of common friends, relatives and respectable persons of the society the parties have settled their disputes amicably.
3. Learned Counsel submits that the parties settled the matter vide MoU dated 26.10.2021 and in view of the amicable settlement between the parties, the present FIRs maybe quashed.
4. Memorandum of Understanding dated 26.10.2021 contains the following terms and conditions:

“WHEREAS both the parties resided in the same vicinity and due to some dispute of property with them and misunderstanding between the parties. Daughter of Rakesh Bhola/second party namely Diksha registered the FIR No.576/21, P.S. Hari Nagar, U/s 354A/354/509/34



I.P.C. against husband of Harleen Kaur/first party namely Harpreet Singh and his brother Angadpreet Singh, brother-in-Law Parabjeet Singh and his Friends and the First party also registered the FIR No.577/21, P.S. Hari Nagar, U/s 354A/354/509/34 I.P.C. against the second party i.e: Rakesh Bhola S/o Sh. Kaushal Kumar and Sh. Chitwan S/o Kiran Bhola.

Whereas now both the parties settled their dispute amicably and being neighbourer of each other and for betterment of future life of the parties and due to intervention of certain common friends, relatives and respectable persons of the society, the parties hereto have settled their dispute amicably.

That it is further agreed between the parties that they will not interfere in the lives of each other and shall partways amicably, with no visitation rights in future.

That the first party and second party undertake to co-operate with each other in quashing proceedings before the Hon'ble High court of Delhi at New Delhi of the above noted FIRs by appearing and by giving their respective statements for the Quashing and the first Party and daughter of second party namely Diksha shall sign, verify and get attested the required affidavit necessary to be filed along with the Quashing Petition and to appear before the Hon'ble High Court for giving their respective statements as and when required.

That both the party undertakes that in future they shall not file any suit / complaint / case / revision / appeal against the other party. That the subject to aforesaid settlement/ Compromise, now no party shall have any grievances/ complaint for any kind against each other and for claim on any account.



That the parties are executing this deed in the presence of following witnesses on their own accord, free will, volition, in perfect sense, without any kind of pressure, inducement, coercion, compulsion or fraud.”

5. Parties are present in person and have stated that both the parties are neighbours to each other and they have resolved all their disputes with each other voluntarily without any fear , force or coercion.
6. IO has identified the parties and states that there are no other cases against them.
7. It has been repeatedly held 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, the court may while taking into consideration the special facts of a case quash the proceedings.
8. I have interacted with the complainant. I consider that there would be no purpose of continuing with the trial. It was a private dispute that has been amicably settled.
9. In view of the submissions made, the present FIR No. 577/2021 under Sections 354/354B/506/509/34 IPC registered at P.S. Hari Nagar, Dist. West Delhi and FIR no. 576/2021 under Sections 354/354A/509/34 IPC registered at P.S. Hari Nagar, Dist. West Delhi alongwith all the other proceedings emanating therefrom are quashed.



10. The petitions are disposed of.

DINESH KUMAR SHARMA, J

JUNE 2, 2023/AR

