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

+ CRL.M.C. 6833/2022

KANWAL NAIN SINGH & ORS. Petitioner

versus

STATE & ORS. RespondentS

+ CRL.M.C. 180/2023, CRL.M.A. 758/2023

CHANDER PRAKASH POPLI & ORS. Petitioners

versus

STATE OF NCT OF DELHI & ORS. Respondents

Present: Mr.Amanjeet Singh, Advocate for the petitioners with
petitioners in person in items no.37 and for respondents in item
no.40.
Ms.Priyanka Singh and Mr.Ankur Modi, Advocates for
respondents in item 37 and for petitioners in item 40
Mr.Hemant Mehla, APP for the state with Mr.Dipanshu Meena,
Advocate.
SI Sandeep, PS Malviya Nagar.

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Date of Decision: 11.07.2023

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

J U D G M E N T

DINESH KUMAR SHARMA, J. (Oral)

CRL.M.C. 6833/2022 & CRL.M.C. 180/2023

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1. Present petitions have been filed seeking quashing of FIR no.131/2019 registered under Sections 324/506/509/34 IPC and FIR No.132/2019 registered under Sections 451/323/34 IPC dated 04.05.2019 at PS Malviya Nagar and the proceedings arising therefrom.
2. FIR no.131/2019 was lodged by Mr.Sumit Popli briefly alleged therein that they bought a new motorcycle and parked it on the ground floor below the stairs. Amarjeet Singh, his brother and father who all are residing on the 1st floor objected to the parking and a quarrel took place between them. The heated arguments resulted in attacks done by Amarjeet Singh, his brother, and his father with swords and *dandas* on the complainant his mother Meenu, and his brother Punit.
3. FIR No.132/2019 was lodged by Mr.Amarjeet Singh alleging therein that on 03.05.2019 a quarrel took place between the complainant and Sumit Popli regarding the parking of their two-wheeler vehicle which got resolved. On the next day, Ms Meenu resident of the 3rd floor and mother of Sumit Popli, spitted on the complainant who was standing on his balcony from her floor to which the complainant objected and went inside his house. After some time Meenu and her children Sumit and Punit came to the complainant's floor and started beating them.
4. Both the parties submit that they are the neighbours and settled the matter vide settlement dated 11.11.2022 on the following terms and conditions:

1. That both the parties have agreed to file Quashing Petition before the Hon'ble High Court of Delhi at Delhi for the quashing of their respective FIR's registered against each other. The First Party undertake to file a quashing



petition of the FIR bearing no. 0132/20 19 and the Second Party undertake to file a quashing petition of the FIR bearing no. 0131/2019 before the Hon'ble High Court of Delhi simultaneously.

2. That both the parties agrees to file the afore-mentioned quashing petition before the Hon 'ble High Court of Delhi within a month of the signing of the present Memorandum of Settlement

3. That both the parties have agreed to give their No Objection Certificate for the purpose of getting the FIR's quashed registered against each-other.

4. That the First Party and the Second Party undertakes and assured that they will not file any direct or indirect litigation (Civil or Criminal) against each other or against any other family member after the execution of this MOU.

5. That both the parties undertake to co-operate with each other for the purpose of Quashing of the afore-mentioned FIR's and shall appear before the Hon'ble High Court of Delhi at Delhi for the said purpose as and when required.

6. That both the parties have agreed not to indulge in any activity or act in order to defame the other person or their family members pertaining to the allegation mentioned in their FIR's or commit any act which may degrade the reputation of the parties or their family members in the society.

7. The parties out of their own free will, consent and accord without any force, coercion, undue influence, have mutually resolved all their differences and agreed to amicably and voluntarily settle all differences/ disputes.

5. The parties are present in person and have been duly identified by the IO. The parties state that the present dispute arose out of a misunderstanding over common parking-related issues which eventually led to an altercation. The parties state that they have amicably settled all their disputes and grievances vide the settlement



deed dated 11.11.2022 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.

6. Learned Addl. P.P. for the State submits that as per the Investigating Officer, there is no other dispute between the parties.
7. Since the dispute between the parties is predominantly private in nature and the parties have settled all the disputes amicably, in the interest of justice it would be better to put a quietus to the dispute. The chances of conviction would also be bleak and remote, given that the parties do not wish to pursue the present complaint on account of the settlement. I do not see any reason to reject the settlement.
8. However, I am of the view that considerable time of the police and judicial time has been wasted as the FIRs are of the year 2019. The police machinery has been put in motion on account of the acts of commission & omission on behalf of the parties and useful time of the police which could have been utilized for important matters has been misdirected towards this case. The parties are stated to be belonging to



poor strata of society. Hence, I refrain from imposing costs on the parties but they must do some social good.

9. Taking into account the totality of facts and circumstances, the case FIR No. 131/2019 registered under sections 324/506/509/34 of IPC in CRL.M.C. 6833/2022 and FIR No.132/2019 registered under sections 451/323/34 of IPC in CRL.M.C. 180/2023, both dated 04.05.2019 and registered at PS Malviya Nagar and all other proceedings emanating therefrom are quashed subject to the following conditions and its compliance –
 - a. Both parties are directed to plant 500 trees each of indigenous varieties in their locality under the supervision of a horticulture officer and shall furnish a certificate of the SDM in this regard.
 - b. Both the parties shall file a status report every year for three years giving the status of trees planted along with photographs.
10. The present petitions stand disposed of.
11. List on 01.11.2023 for compliance.

DINESH KUMAR SHARMA, J

JULY 11, 2023

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