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

+ CRL.M.C. 411/2024

MD SAGIR HUSSAIN

..... Petitioner

Through: Counsel appearance not given.
Petitioner in person.

versus

STATE GOVT. OF NCT OF DELHI AND ANR. Respondents

Through: Mr. Sunil Kumar Gautam, APP for
the State.

SI Jasbir Malik, PS Kapashera.

R-2 in person alongwith her husband.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

01.04.2024

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1. The present petition filed under Section 482 of the Cr.P.C. seeks quashing of the FIR No. 395/2019, under Section 363 of the IPC, registered at P.S. Kapashera, South-West District, New Delhi, and all other consequential proceedings emanating therefrom, including the chargesheet pending before the Court of Sh. Nidhish Kumar Meena, learned Metropolitan Magistrate,(South West), Dwarka Courts, Delhi.

2. Learned counsel appearing on behalf of the petitioner submits that the latter and respondent no. 2 are related inasmuch as petitioner is real nephew of respondent no.2's husband and on account of some misunderstanding the present FIR was registered at the instance of the respondent no. 2. It is further submitted that during the pendency of the aforesaid proceedings with the intervention of close family members, parties have arrived at a Memorandum of Understanding dated 05.01.2024 (Annexure P-4) in



pursuance of which respondent no. 2 has no objection if the present FIR is quashed against the petitioner.

3. Petitioner and complainant/respondent no. 2 alongwith her husband are present before the Court and have been duly identified the Investigating Officer, SI Jasbir Malik, PS Kapashera.

4. The complainant/respondent No.2 states that the matter has been settled with the petitioner and she has no objection if the FIR is quashed.

5. In view of the settlement between the parties, learned APP for the State also has no objection if the present FIR is quashed.

6. In *Gian Singh v. State of Punjab*, (2012) 10 SCC 303, the Hon'ble Supreme Court has recognized the need of amicable resolution of disputes by observing as under:-

“61. ... In other words, the High Court must consider whether it would be unfair or contrary to the interest of justice to continue with the criminal proceedings or continuation of criminal proceedings would tantamount to abuse of process of law despite settlement and compromise between the victim and the wrongdoer and whether to secure the ends of justice, it is appropriate that criminal case is put to an end and if the answer to the above question(s) is in the affirmative, the High Court shall be well within its jurisdiction to quash the criminal proceeding.”

7. In view of the aforesaid circumstances, and the fact that the parties have put a quietus to the dispute, no useful purpose will be served in continuing with the present FIR No. 395/2019, under Section 363 of the IPC, registered at P.S. Kapashera, South-West District, New Delhi, and all other consequential proceedings emanating therefrom, including the chargesheet pending before the Court of Sh. Nidhish Kumar Meena, learned Metropolitan Magistrate,(South West), Dwarka Courts, Delhi.

8. In the interest of justice, the petition is allowed, and the FIR No.



395/2019, under Section 363 of the IPC, registered at P.S. Kapashera, South-West District, New Delhi, and all other consequential proceedings emanating therefrom, including the chargesheet pending before the Court of Sh. Nidhish Kumar Meena, learned Metropolitan Magistrate,(South West), Dwarka Courts, Delhi, is hereby quashed.

9. Petition is allowed and disposed of accordingly.

10. Pending application(s), if any, also stand disposed of.

AMIT SHARMA, J

APRIL 01, 2024/sn

Click here to check corrigendum, if any