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

+ **CRL.M.C. 535/2024**

HIMANSHU SINGH

..... Petitioner

Through: Mr. Amit Kumar Rahela, Advocate

versus

STATE (GNCT OF DELHI) & ORS.

..... Respondents

Through: Mr. Satish Kumar, APP for the State
with SI Mumtaz, P.S. Gandhi Nagar
Mr. Aadil Malik and Ms. Farzana,
Advocates for R-2 to 4

CORAM:

HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

ORDER

% **23.01.2024**

CRL.M.A. 2113/2024 (exemption)

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

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3. The instant petition under Section 482 of the Code of Criminal Procedure, 1973 ('Cr.P.C.') has been filed on behalf of petitioner seeking quashing of FIR bearing no. 130/2016 dated 24.03.2016 registered at Police Station Gandhi Nagar, Delhi for offences punishable under Sections 308/34 of the Indian Penal Code, 1860 ('IPC').
4. Issue notice. Mr. Satish Kumar, learned APP accepts notice on behalf of the State.
5. Petitioner is present before this Court and has been identified by his



counsel Mr. Amit Kumar Rahela and Investigating Officer (IO) SI Mumtaz from Police Station Gandhi Nagar, Delhi.

6. Brief facts of the present case are that on 24.03.2016, a quarrel took place in which respondent nos. 2 to 4 had sustained injuries. Thereafter, respondent nos. 2 to 4 had filed a complaint resulting into registration of FIR bearing no. 130/2016 at Police Station Gandhi Nagar, Delhi for offence punishable under Section 308/34 of IPC. After investigation, chargesheet was filed before the concerned Court. Charge was framed against the petitioner. During pendency of the present case, both the parties had amicably resolved their disputes and cleared their misunderstanding *vide* Memorandum of Understanding/Compromise Deed dated 09.01.2024.

7. On a query made by this Court, respondent nos.2 to 4, who have been identified by their counsel Mr. Aadil Malik and IO, have categorically stated that they have entered into compromise out of their own free will and without any pressure, coercion or threat. It is also stated by respondent nos.2 to 4 that the entire dispute has been amicably settled between them.

8. Respondent nos. 2 to 4 further state that they have no objection if FIR be quashed.

9. In view of the above fact that the parties have amicably resolved their differences of their own free will, and without any coercion, no useful purpose will be served by continuing the proceedings, rather the same would create further acrimony between them. It would thus be in interest of justice to quash the abovementioned FIR and the proceedings pursuant thereto. There is no legal impediment in quashing the FIR in question.

10. However, the matter has been pending for the last 7 ½ years before various courts. It is clear that the parties have taken their own time to inform



the court finally that the FIR be quashed. In these circumstances, both, the time of the Court and the investigating agency has been consumed. The petitioner has expressed his willingness to compensate for the time so consumed by contributing for a socially relevant cause.

11. Accordingly, FIR bearing no. 130/2016 dated 24.03.2016 registered at Police Station Gandhi Nagar, Delhi for offences punishable under Sections 308/34 of the IPC and all consequential proceedings emanating therefrom are quashed subject to petitioner depositing cost of Rs.10,000/- with the Shahdara Bar Association (Regd.), District Court Complex, Karkardooma, Shahdara, Delhi within 15 days and copy of the receipt be also filed with the Registry to show compliance of the order.

12. The petition stands disposed of, in view of the above.

13. The order be uploaded on the website forthwith.

SWARANA KANTA SHARMA, J

JANUARY 23, 2024/ns

Click here to check corrigendum, if any