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

+ **CRL.M.C. 885/2024**

NISHANT KUMAR & ORS.

.....Petitioners

Through: Mr. Pulkit Sanghi, Advocate with
petitioners in court.

versus

STATE NCT OF DELHI & ANR.

.....Respondents

Through: Ms. Manjeet Arya, APP for the State.
Mr. Praveen Gaur, Advocate for R2
with R2 *via* video-conferencing.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

27.11.2024

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By way of the present petition filed under section 482 of the Code of Criminal Procedure 1973, the petitioners seek quashing of case FIR No.196/2020 dated 21.05.2020 registered under sections 392/397/34 of the Indian Penal Code, 1860 ('IPC') at P.S.: Amar Colony, South-East Delhi. Consequent upon completion of investigation, offences under section 411 of the IPC and sections 25/27/54/59 of the Arms Act, 1959 have been added *vide* charge-sheet dated 21.07.2020.

2. The petition is premised on Memorandum of Understanding dated 14.12.2023, whereby the petitioners and respondent No.2 have resolved the matter amicably.
3. The petition is also supported by affidavits of the petitioners and of respondent No. 2, alongwith proof of their IDs.



4. Petitioners are present in court and respondent No.2 has joined the proceedings *via* video-conferencing. Their credentials have been verified and they have also been identified by their respective counsel.
5. The court has interacted with respondent No.2 very closely. He submits that he has resolved the dispute amicably with the petitioners *inter-alia* for the reason that he is unsure of their identity, since the offence was committed at a time when it was dark and he was attacked from behind and is unsure if he identified the petitioners correctly.
6. All parties have confirmed that they have now resolved the matter and a Memorandum of Understanding dated 14.12.2023 has been signed by them closing all issues amicably. Parties now wish to live in peace and harmony going forward.
7. Ms. Manjeet Arya, learned APP confirms that the State has no objection to the subject FIR being quashed.
8. In the circumstances, in line with the law laid down by the Supreme Court in ***Gian Singh vs. State of Punjab & Anr.*** reported as (2012) 10 SCC 303 as also in ***Narinder Singh & Ors. vs. State of Punjab & Anr.*** reported as (2014) 6 SCC 466, this court sees no reason why the subject FIR and all proceedings emanating therefrom should not be quashed. This court is of the view that in light of the settlement between the contesting parties, continuing with the subject FIR and all subsequent proceedings would be an exercise in futility and would not be conducive to peace and harmony between the parties.
9. While allowing the petition however, this court considers it appropriate, that by way of atonement, petitioners shall pay costs of



Rs.25,000/- *each* to Friendicoes SECA, No.271 & 273, Defence Colony Flyover Market, Jungpura, New Delhi within 04 weeks. Proof of payment of costs be placed on record within 01 week thereafter.

10. Subject to the aforesaid condition, FIR No.196/2020 dated 21.05.2020 registered under sections 392/397/34 of the IPC at P.S.: Amar Colony, South-East Delhi is quashed. All proceedings arising therefrom also stand closed.
11. The Registry is directed to verify compliance; and to re-list the matter if costs are not paid as directed.
12. The petition stands disposed-of in the above terms.
13. Pending applications, if any, also stand disposed-of.

ANUP JAIRAM BHAMBHANI, J

NOVEMBER 27, 2024
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