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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 1166/2024**

MADAN MOHAN BHATIA & ORS. Petitioners
Through: Mr.Ashish Kr. Gupta, Ms.Pooja
Gupta, Mr.Sachin, Advs. with
petitioners in person.

versus

THE STATE (GOVT. OF NCT OF DELHI) & ANR.
..... Respondents
Through: Mr. Shoaib Haider, APP with
SI Dheer Singh.
Mr.Prashant Sharma, Adv. for
R-2 with R-2 in person.

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER
13.02.2024

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CRL.M.A. 4595-96/2024 (Exemption)

1. Allowed, subject to all just exceptions.

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2. This petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 (in short, 'Cr.P.C.') seeking quashing of FIR No.402/2019 registered at Police Station: Geeta Colony, Delhi, under Sections 420/468/471/506/34 of the Indian Penal Code, 1860 (in short, 'IPC'), along with all other proceedings arising therefrom, on the basis of settlement.

3. Issue notice.

4. Notice is accepted by Mr.Shoaib Haider, the learned APP and Mr.Prashant Sharma, the learned counsel for the respondent no.2.



5. The petitioners and the respondent no.2 are the brothers and dispute arose amongst them with respect to the property bearing Plot No. 13/139, Geeta Colony, Shahadra, Delhi-110031 left behind by their late father Sh.Mulakh Raj Dass.

6. The learned counsel for the petitioners submits that the petitioners and the respondent no.2 have amicably settled their disputes and have entered into a settlement vide Memorandum of Understanding dated 25.01.2024.

7. The respondent no.2, who is present in Court and has been duly identified by the Investigating Officer (IO), affirms the settlement and states that he has settled all the disputes with the petitioners out of his own free will and without any coercion. The respondent no.2 submits that he has no objection if the present FIR is quashed.

8. I have perused the contents of the FIR as also the settlement between the parties.

9. Keeping in view the above and the fact that the respondent no.2 does not wish to pursue his complaint any further, as also the Settlement arrived at between the parties, I find that no useful purpose shall be served in continuing with the proceedings of the present FIR as the chances of its success will be rather minuscule and it would rather create further acrimony between the parties and will be an unnecessary burden on the State exchequer.

10. Guided by the principles enunciated by the Supreme Court in its judgments in *Gian Singh v. State of Punjab*, (2012) 10 SCC 303; *Parbatbhai Aahir @ Parbatbhai Bhimsinbhai Karmur & Ors. v. State of Gujarat & Ors.* (2017) 9 SCC 641 and *State of Haryana & Ors. v. Bhajan Lal & Ors.* 1992 Supp (1) SCC 3, this Court deems it



appropriate, in the interest of justice, to exercise its inherent powers under Section 482 of the Cr.P.C. to quash the FIR and all the proceedings emanating therefrom.

11. Accordingly, the petition is allowed. FIR No.402/2019 registered at Police Station: Geeta Colony, Delhi, under Sections 420/468/471/506/34 of the IPC and all consequential proceedings emanating therefrom against the petitioners are quashed, subject to the condition that the petitioners as well as the respondent no.2, shall deposit costs of Rs.25,000/- each with the Delhi State Legal Services Authority within a period of two weeks from today, and file proof of such deposit with the Registry of this Court and also supply a copy thereof to the IO, within the said period.

12. The costs so deposited shall be utilised by the Delhi State Legal Services Authority for providing psychological/counselling support to the POCSO Victims requiring such assistance.

NAVIN CHAWLA, J

FEBRUARY 13, 2024/Arya/am

Click here to check corrigendum, if any