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

+ **CRL.M.C. 1303/2023**

MAHESH CHAND

.....Petitioner

Through: Mr. Mobin Akhtar, Advocate

versus

STATE OF NCT OF DELHI & ORS.

.....Respondents

Through: Mr. Satish Kumar APP for the State
Mr. Karan Sachdeva and Ms. Richa Sharma, Advocates for R-2 & R-3 along with respondent nos. 2 & 3 in person.

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

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17.12.2024

CRL.M.C. 1303/2023 & CRL.M.A. 5001/2023

1. The instant petition under Section 428 of the Code of Criminal Procedure, 1973 (hereinafter "CrPC") [now Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter "BNSS")] has been filed by the petitioner praying for setting aside the Order dated 1st December, 2022 passed by the learned ASJ, Rohini Courts (North) in Cr.Rev. No. 64/2021 as well as Order dated 5th March, 2021 passed by the learned MM in Ct. Case No. 5665/2019, Rohini, in the case titled as ***Mahesh Chand v. State & Ors,*** and directing the respondent no.1 to register an FIR immediately and ensure that the investigation of the matter be carried out by an independent agency.
2. Learned Counsel for the petitioner submitted that both the parties



were neighbors and the respondent no.2 was renovating her house and stacked some construction materials at the entry and exit gate and stairs of the petitioner's house. The petitioner raised objections against the same, pursuant to which a scuffle broke out between them. Thereafter, the petitioner was allegedly called to the office of Additional SHO where he was manhandled and assaulted by the respondent no.3, who is the father of the respondent no.2.

3. It is submitted that the petitioner made a complaint to the authorities concerned for the registration of FIR but the same was not registered. It is further submitted that aggrieved by the same, the petitioner moved the Court of Learned MM under Section 156(3) of the CrPC seeking registration of the FIR, which was dismissed vide Order dated 5th March, 2021.

4. It is submitted that the petitioner thereafter filed a Revision Petition before the Learned ASJ, Rohini Courts, Delhi, which was also dismissed vide Order dated 1st December, 2022 without any application of judicial mind. Hence, aggrieved by the same, the petitioner has filed the instant petition.

5. It is submitted that both the parties have now entered into settlement and consequently, the dispute between the parties has been resolved. The terms and conditions of the said settlement are mentioned in the Settlement Agreement dated 18th November, 2024 at Samadhan, Delhi High Court Mediation and Conciliation Center, Delhi High Court.

6. The petitioner is present before this Court and has been identified by his counsel and Investigating Officer, Police Station Prashant Vihar. The respondent No.2 is also present before the Court and has been identified by the Investigating Officer.



7. On the query made by this Court, the parties categorically stated that they have entered into compromise on their own free will and without any pressure. It is also stated by the parties that the entire dispute has been amicably settled between the parties *vide* settlement agreement dated 18th November, 2024.

8. Keeping in view the fact that the parties have settled the dispute, there is nothing left for this Court to adjudicate in the instant petition and no useful purpose would be served by keeping it pending.

9. The instant petition along with pending application(s), if any, stands disposed of.

CHANDRA DHARI SINGH, J

DECEMBER 17, 2024

Rk/st

Click here to check corrigendum, if any