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

\+ CRL.M.C. 2412/2024

VIVEK MISHRA AND ANR. ..... Petitioners

Through: Mr. Tarun Khanna, Advocate alongwith petitioners in person

versus

STATE GOVT.OF NCT OF DELHI AND ANR. ..... Respondents

Through: Mr. Hitesh Vali, APP for the State alongwith IO.
Respondent no. 2 in person

CORAM:
HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

O R D E R

% 22.03.2024

CRL.M.A. 9237/2024 (exemption)

1. Allowed, subject to all just exceptions.

2. Application stands disposed of.

CRL.M.C. 2412/2024

3. The instant petition under Section 482 of the Code of Criminal Procedure, 1973 (*'Cr.P.C.'*) has been filed on behalf of petitioners seeking quashing of FIR bearing no. 452/2020 registered at Police Station Mundka, Delhi for offence punishable under Section 354B/506/509 of Indian Penal Code, 1860 (*'IPC'*).

4. Issue notice. Mr. Hitesh Vali, learned APP accepts notice on behalf of the State.

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5. Petitioners are present before this Court and have been identified by their counsel Mr. Tarun Khanna and Investigating Officer (IO) from Police Station Mundka, Delhi.

6. Brief facts of the present case are that petitioners and respondent no.2 are neighbours in the society namely Sunrise Apartment at Loknayakpuram, Delhi. It is stated that on 02.10.2020, a quarrel took place between the parties regarding illegal encroachment, upon which respondent no. 2 called the PCR and had lodged a complaint to the police which was culminated into registration of FIR bearing no. 452/2020 for offence punishable under Section 354(B)/506 IPC registered at Police Station Mundka, Delhi. The petitioner No. 1 was remanded to judicial custody and later he was released on bail *vide* order dated 08.10.2020.

7. It is stated that the chargesheet in this case was filed against petitioner no.1 for offence punishable 354B/506/509 of Indian Penal Code, 1860 ('IPC') against petitioner no. 1 while petitioner no. 2 was kept in Column no. 12 in the chargesheet, since no incriminating evidence found against petitioner no. 2. Charges were framed against the petitioners *vide* order dated 20.04.2023. It is stated that during the pendency of the present case, with the intervention of common friends, well-wishers and respectable persons of the locality, both the parties had amicably settled all their disputes *vide* Memorandum of Understanding dated 02.02.2024.

8. On a query made by this Court, respondent no. 2 who has been identified by the IO, has categorically stated that she has entered into compromise out of her own free will, volition and without any coercion, pressure or threat. It is also stated by respondent no. 2 that the entire dispute has been amicably settled between the parties *vide* Memorandum of

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Understanding dated 02.02.2024 and she has no objection, if the present FIR is quashed.

9. In view of the above facts that the parties have amicably resolved their differences out 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 above mentioned FIR and the proceedings pursuant thereto. There is no legal impediment in quashing the FIR in question.

10. Accordingly, FIR bearing no. 452/2020 registered at Police Station Mundka, Delhi for offence punishable under Section 354B/506/509 of IPC and all consequential proceedings emanating therefrom are quashed, subject to depositing cost of Rs. 5,000/- each by the petitioners with Delhi High Court Bar Association Lawyers Social Security and Welfare Fund within a period of ten days.

11. In view of above, the present petition stands disposed of.

12. The order be uploaded on the website forthwith.

SWARANA KANTA SHARMA, J

MARCH 22, 2024/ns

Click here to check corrigendum, if any

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