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

+ CRL.M.C. 2783/2024

YOGESH @YOGESH KUMARPetitioner

Through: Mr. Harsh Kumar, Ms. Sikha Gogoi
and Mr. Neel Kumar Sharma,
Advocates.

versus

STATE AND ANR

.....Respondents

Through: Mr. Utkarsh, APP for the State with
Insp. Sandeep Kumar. P.S.: Gokul
Puri, Delhi.

+ CRL.M.C. 3649/2024

VINOD KATARIYA @ VINOD KUMAR & ORS.Petitioners

Through:

versus

THE STATE GOVT. OF N.C.T. OF DELHI & ORS.Respondents

Through: Mr. Utkarsh, APP for the State with
Insp. Sandeep Kumar. P.S.: Gokul
Puri, Delhi.

Mr. Harsh Kumar, Ms. Sikha Gogoi
and Mr. Neel Kumar Sharma,
Advocates for R 2,3 and 4.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

18.10.2024

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In compliance of order dated 07.10.2024, an amended memo of parties dated 09.10.2024 has been filed in CRL.M.C. No. 2783/22, thereby impleading the co-accused person who had not been made party to the present petition earlier.

2. The amended memo of parties is taken on record.
3. By way of the present petitions filed under section 482 of the Code of Criminal Procedure 1973, the parties seek quashing of case FIR No.



625/2014 dated 23.06.2014 registered under sections 308/395/506/34 of the Indian Penal Code, 1860 ('IPC') at P.S.: Gokal Puri, Delhi in CRL.M.C. No. 2783/2024; *and* case FIR No. 624/2014 dated 23.06.2014 registered under sections 323/392/354/452/34 IPC and under section 3 of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 at P.S.: Gokal Puri, Delhi in CRL.M.C. No. 3649/2024.

4. The petitions are premised on Compromise/Settlement Deeds dated 20.03.2024 and 19.02.2024 respectively, whereby the parties have resolved the matters amicably.
5. The petitions are also supported by affidavits of all the parties, alongwith proof of their I.D.s.
6. All parties are present in court. For clarity, learned counsel appearing for the petitioners in CRL. M.C. No. 3649/2024 explains that respondents Nos. 2, 3 and 4 in the said case are Dinesh Kumar, Yogesh Kumar, and Preeti (who is the wife of Yogesh Kumar). Their credentials have been verified and they have also been identified by the Investigating Officer.
7. The court has interacted with the parties. They have explained that the cross-FIRs arose from escalation of certain disputes between them, which have now been settled.
8. Explaining the delay in settlement of their disputes and seeking quashing of the FIRs, the parties submit that though overtures had been made by both sides earlier, those efforts have fructified only recently, whereafter *vide* settlement deeds dated 20.03.2024 and 19.02.2024 the parties have finally resolved their disputes.



9. Mr. Utkarsh, learned APP appearing for the State submits, that trial in the matters is well underway; that the complainants/victims in each of the cases have supported their respective allegations; and since the length of time between registration of FIR and the settlement of disputes is relevant in light of observations made in *State of Madhya Pradesh vs. Laxmi Narayan & Ors.*¹ and *Narinder Singh vs. State of Punjab & Anr.*², this court may consider that settlement in the present cases has been entered into 10 years after the date of registration of the cross-FIRs.
10. Learned APP submits therefore, that since parties have kept the legal machinery burdened with their cases for about a decade, which cases ought to have been settled in the first instance, exemplary costs be imposed on them.
11. Since there is also an allegation under section 308 IPC in case FIR No. 625/2014, learned APP clarifies that injuries sustained by victim in the said case have been opined to be 'simple'. However, he states that injuries to victims in case FIR No. 624/2014 have been opined to be 'grievous'.
12. Considering the circumstances of the two matters, and 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

¹ (2019) 5 SCC 688

² (2014) 6 SCC 466



that in light of the settlement between the parties, continuing with the subject FIRs and all subsequent proceedings would be an exercise in futility and would not be conducive to peace and harmony between the parties, who are stated to be neighbours.

13. While allowing the petitions however, in view of the backdrop in which the cross-FIRs came to be registered, this court considers it appropriate, that by way of atonement, the parties (except respondent No. 4 in CRL.M.C. 3649/2024) shall pay costs of Rs. 20,000/- *each*, to the '*Very Special Arts India*', Plot No. 3 Institutional Area, Nelson Mandela Marg, Vasant Kunj, New Delhi, within 04 weeks.
14. Subject to the aforesaid condition, FIR No. 625/2014 dated 23.06.2014 registered under sections 308/395/506/34 IPC at P.S.: Gokal Puri, Delhi in CRL.M.C. No. 2783/2024; *and* case FIR No. 624/2014 dated 23.06.2014 registered under sections 323/392/354/34/452 IPC at P.S.: Gokal Puri, Delhi in CRL.M.C. No. 3649/2024 are quashed. All proceedings arising therefrom also stand closed.
15. The parties are directed to place on record the proof of payment of costs, within 01 week after payment.
16. The Registry is directed to verify compliance; and to bring to the notice of this court any default in respect thereof.
17. The petitions stand disposed-of in the above terms.
18. Pending applications, if any, also stand disposed-of.

ANUP JAIRAM BHAMBHANI, J

OCTOBER 18, 2024/ss