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

+ **CRL.M.C. 2797/2024**

ABHISHEK @ ABHISHEK GOEL

.....Petitioner

Through: Mr. Bharat Bhushan Gupta and Mr.
Awadhesh Kumar Jha, Advocates
with petitioner in-person.

versus

**THE STATE NCT OF DELHI THROUGH SHO POLICE STATION
SHALIMAR BAGH DELHI & ANR.**

.....Respondents

Through: Ms. Shubhi Gupta, APP for the State
with Inspector Manoj Kumar, P.S.:
M. Park and SI Kavita Bhardwaj,
P.S.: Shalimar Bagh.
Ms. Tripti and Mr. Abhishek
Dadhich, Advocates for R-2.

+ **CRL.M.C. 2926/2024**

ARVIND KUMAR

.....Petitioner

Through: Ms. Tripti and Mr. Abhishek
Dadhich, Advocates.

versus

THE STATE NCT OF DELHI AND ANR.

.....Respondents

Through: Ms. Shubhi Gupta, APP for the State
with Inspector Manoj Kumar, P.S.:
M. Park and SI Kavita Bhardwaj,
P.S.: Shalimar Bagh.
Mr. Bharat Bhushan Gupta and Mr.
Awadhesh Kumar Jha, Advocates for
R-2 with R-2 in-person.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

20.09.2024

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CRL.M.C. 2797/2024

CRL.M.C. 2926/2024

By way of CRL.M.C. No.2797/2024 filed under section 482 of the Code of Criminal Procedure 1973 ('Cr.P.C.'), the parties seek quashing of case FIR No.375/2016 dated 25.05.2016 registered under sections 354/506 of the Indian Penal Code, 1860 ('IPC') at P.S.: Shalimar Bagh, Delhi; and by way of CRL.M.C. No.2926/2024 filed under section 482 of Cr.P.C., the parties seek quashing of case FIR No.383/2016 dated 28.05.2016 registered under sections 354/354-B/ 323/506/34 of the IPC at P.S.: Shalimar Bagh, Delhi.

2. The petitions are premised on two Memorandums of Understanding both dated 05.07.2023 ('MoUs'), whereby the parties have resolved the matter amicably.
3. The petitions are also supported by affidavits of the parties, alongwith proof of their I.D.s.
4. The contesting parties are present *via* video-conferencing. Their credentials have been verified and they have also been identified by their respective counsel.
5. The court has interacted with the complainant/respondent No.2, as also the petitioner in both the matters. Parties have confirmed that they have now resolved their *inter-se* disputes and MoUs dated 05.07.2023 have been signed by them closing all issues amicably. Parties now wish to live in peace and harmony going forward.
6. Ms. Shubhi Gupta, learned APP appearing for the State submits, that though the State has no objection to the subject FIRs being quashed,



what bears mentioning is that the allegations in both the FIRs are virtually *identical* except for the name of the complainant and the accused in each case; and that it seems that the parties were using the cross-FIRs as tools to settle some collateral issues and criminal proceedings were launched clearly as a measure of tit-for-tat.

7. What is also noticed is that proceedings in the subject FIRs have been pending since 2016 and it seems that the parties have misused and abused the criminal justice machinery in order to achieve some collateral purpose.
8. However, 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, and in the larger interests of justice and to bring an end to disputes, this court sees no reason why the subject FIRs 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 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 neighbours.
9. That being said, in the circumstances of the case, it is directed that the quashing shall be subject to the petitioner in *each* of the cases paying costs of Rs.25,000/- to Friendicoes SECA, No.271 & 273, Defence Colony Flyover Market, Jungpura, New Delhi, within 04 weeks.
10. Petitioners are directed to place on record proof of payment of costs, within 01 week thereafter.



11. Subject to the aforesaid condition, FIR No.375/2016 dated 25.05.2016 registered under sections 354/506 of the IPC at P.S.: Shalimar Bagh, Delhi *and* FIR No.383/2016 dated 28.05.2016 registered under sections 354/354-B/323/506/34 of the IPC at P.S.: Shalimar Bagh, Delhi are quashed. All proceedings arising therefrom also stand closed.
12. The Registry is directed to re-list the matter if costs are not paid as directed.
13. The petitions stand disposed-of.
14. Pending applications, if any, also stand disposed-of.

ANUP JAIRAM BHAMBHANI, J

SEPTEMBER 20, 2024/ak