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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(CRL) 1136/2024**
MR SUBHASH KALRA AND ANR

..... Petitioners

Through: Mr.J.S. Arora, Mr.Badri Dass,
Ms.Sheetal Nagar and
Ms.Arushi Drall, Advs. along
with petitioners in person.

versus

STATE OF NCT OF DELHI AND ANR

..... Respondents

Through: Ms.Rupali Bandhopadhyaya, ASC
(Crl.) with Mr.Abhijeet Kumar,
Adv. with SI Mahavir Jogi, PS
Barakhamba Road
Mr.Rahul Jain and
Ms.Smitakshi Talukdar, Advs.
for R-2 along with R-2 in
person.

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

% **10.04.2024**
CRL.M.A. 10973/2024 (Exemption)

1. Allowed, subject to all just exceptions.

W.P.(CRL) 1136/2024

2. This petition has been filed under Article 226 & 227 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973 (in short, 'Cr.P.C.') seeking quashing of FIR No. 0023/2024 registered at Police Station: Barakhamba Road, Delhi under Sections 448/34 of the Indian Penal Code, 1860 (in short,



‘IPC’), along with all other proceedings arising therefrom, on the basis of a settlement.

3. Issue notice.

4. Notice is accepted by Ms.Rupali Bandhopadhyia, learned Additonal Standing Counsel (CrI.), and by Mr.Rahul Jain, Advocate for the respondent no.2.

5. The learned counsel for the petitioners and the respondent no. 2 submit that the disputes between the parties took place due to some misunderstanding. They submit that the parties have amicably settled their *inter se* disputes and have entered into a settlement vide Memorandum of Understanding dated 05.03.2024.

6. The respondent no.2, who is personally present in Court and has been duly identified by the Investigating Officer (IO), while affirming the settlement, also hands over a cheque for an amount of Rs.10 lacs bearing no.255388 drawn on State Bank of India in favour of Ms.Kiran Kalra, who is stated to be the wife of the petitioner no.1 herein. He undertakes that the said cheque will be duly honoured on the presentation. He further undertakes that he will pay the remaining amount of Rs.10,00,000 (Rupees Ten Lacs) to the petitioners during the course of the day.

7. Based on the above settlement, the respondent no.2 submits that he has no objection to the present FIR being quashed.

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

9. Keeping in view 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 it would 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 335, 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. 0023/2024 registered at Police Station: Barakhamba Road, Delhi under Sections 448/34 of IPC and all consequential proceedings emanating therefrom against the petitioners are quashed. The respondent no. 2 shall remain bound by his statements recorded hereinabove.

NAVIN CHAWLA, J

APRIL 10, 2024/ns/am

[Click here to check corrigendum, if any](#)