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

+ **CRL.M.C. 3144/2024**

MOHD JAVED NASEER & ORS.

.....Petitioners

Through: Mr. R.K. Snigh, Advocate with
petitioners in person.

versus

THE STATE & ANR.

.....Respondents

Through: Ms. Richa Dhawan, APP for State.
Mr. V.M. Sharma & Mr. J.K.V,
Advocates for R-2 with R-2 in person.
S.I. Rajnandini, PS Hauz Qazi, Delhi.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

16.08.2024

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1. The present Petition under Section 482 of the Code of Civil Procedure, 1973 (*hereinafter referred to as "Cr.P.C., 1973"*) has been filed on behalf of the petitioners seeking to quash the FIR No. 79/2016 registered under Sections 323/354/354B/376/458/509/34 of the Indian Penal Code, 1860 (*hereinafter referred to as "IPC, 1860"*) at Police Station Hauz Qazi, Delhi.

2. Brief facts of the case are that a construction was being raised by the petitioner Nos. 1 and 2 on their property with the help of petitioner No. 3, who is the builder by profession. The said property of the petitioner Nos. 1 and 2 is situated at the back of the property of complainant/respondent No.

3. A dispute arose on account of some misunderstanding between the petitioners and the family members of the complainant/respondent No. 2



regarding the construction, the counter complaints have been filed by the respondent No. 2 against the petitioners and similarly, the daughter of the petitioner No. 2 filed the same against the respondent No. 2 and her family members.

4. On the complaint of respondent No. 2, an FIR No. 79/2016 was registered under Sections 323/354/354B/376/458/509/34 of the IPC, 1860 at Police Station Hauz Qazi, Delhi against the petitioners, wherein the Chargesheet has already been filed.

5. Similarly, on the complaint of daughter of petitioner No. 2, an FIR No. 80/2016 was registered under Sections 354A/354B/506/376/458/34 of the IPC, 1860 at Police Station Hauz Qazi, Delhi against the family members of respondent No. 2 herein, wherein they have all been acquitted.

6. It is submitted that during the pendency of litigation, the petitioners and the respondent No. 2 have settled all the disputes and differences between them *vide* Settlement Agreement dated 03.02.2024 which *inter alia* states that: -

- (i) That the present FIR was registered due to misunderstanding and misconception and the parties have sorted out all the disputes between them,
- (ii) That the petitioners and the respondent No. 2 are neighbours and are maintain peace, harmony and having cordial relation with each other,
- (iii) That both the parties shall cooperate in getting the present FIR quashed,
- (iv) That the petitioners shall file the petition for quashing of present FIR,



(v) That both the parties undertake not to litigate in future as the matter has already been settled between them,

(vi) That the parties have agreed to maintain peace, harmony and cordial relation between them.

7. In view of the Settlement Agreement dated 03.02.2024, the present petition has been filed.

8. The petitioners and the respondent No. 2/wife are present in person in the Court today, and they have been identified by their counsel and Investigating Officer concerned.

9. The parties have submitted that all the disputes have been amicably settled *vide* Settlement Agreement dated 03.02.2024 and thus, no fruitful purpose will be served in continuing with the FIR.

10. The present petition has been signed by the petitioners and is supported by their affidavits as well as of respondent No. 2. The parties have endorsed and reaffirmed the terms of the settlement and they also submit that the said settlement has been arrived at between the parties without any pressure and coercion.

11. Today, the complainant/respondent No. 2, who is present in the Court, states that she has settled all the disputes with the petitioners and has no objection if the FIR is quashed.

12. In view of the above facts that the parties have amicably resolved their differences out of their own free will and without any coercion and also the fact that the parties are neighbours, no useful purpose will be served in continuing with the proceedings, rather the same would create further acrimony between them. Hence, it would be in the interest of justice to quash the abovementioned FIR and the proceedings pursuant thereto.



13. Moreover, there is no legal impediment in quashing the FIR in question.

14. Accordingly, FIR bearing No. 79/2016 registered at Police Station Hauz Qazi, Delhi, for offences punishable under Sections 323/354/354B/376/458/509/34 of IPC, 1860 and all consequential proceedings emanating therefrom are quashed.

15. The petition stands disposed of.

NEENA BANSAL KRISHNA, J

AUGUST 16, 2024

S.Sharma