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

+ **W.P.(CRL) 1635/2019**

AKSHEY & ANR

..... Petitioners

Through: Mr. Praveer Singh, Mr. Akshay Chauhan, Mr. Rahul Parashar, Advs. with petitioners in person.

versus

THE STATE & ORS

..... Respondents

Through: Ms. Rupali Bandhopadhyaya, ASC (Crl.) for the State with Mr. Abhijeet Kumar, Adv. alongwith SI Suresh Kumar, P.S. Safdarjung Enclave. Mr. Piyush Pahuja, Advocate for respondent for 2 & 3 (through VC). Respondent no.2 & 3 (through VC).

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

09.01.2024

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1. The present petition filed under Article 226 of Constitution of India read with Section 482 Cr.P.C. seeks quashing of FIR No. 13/2019, under Sections 186/353/332 of the IPC and Section 4 of Medicare Services Persons and Medicare Service Institutions (Prevention of Violence and Damage of Property) Act, 2008, registered at P.S. Safdarjung Enclave and all other consequential proceedings emanating therefrom, including the chargesheet pending before the Court of Ms. Nidhi Singh, learned Metropolitan Magistrate, South District, Saket Court, New Delhi.

2. Learned counsel for the petitioners submits that petitioner no.1 went



to the causality department of Safdarjung Hospital for treatment of abdomen pain and the petitioner no.2 was accompanying him. It is pointed out that due to misunderstanding some altercation took place between petitioners and respondent no.2 and 3, on account of which the present FIR was registered.

3. During the pendency of the investigation of the aforesaid FIR, the parties have entered into a MOU dated 22.05.2019 (Annexure P-2colly) in pursuance of which, respondent no.2 and 3 have no objection if the present FIR and consequential chargesheet is quashed. It is further pointed out that on an application made by respondent no.2 to the competent authority, seeking permission to withdraw the present FIR, the same has been granted vide L.No. Sr. CMO/P.K./SJH/2023/31 dated 08.05.2023. Copy of the same has been handed up in the Court and the same is taken on record.

4. As per order dated 16.12.2019, petitioners were directed to plant 50 trees each of the height of around 3 feet. Verification of the same has been done by the Office of Deputy Conservator of Forests (South) Near Dr. Karni Singh Shooting Range, Tughlakabad, New Delhi-110044 and the same is placed on record, which reflects that petitioners had already planted 50 plants in the area of High Court Mafi Bagh, Asola, Delhi.(AnnexureA-1).

5. Petitioners are present before the Court and respondent no.2 and 3 are present through video conferencing and have been duly identified by their respective counsel, as well as the Investigating Officer, SI Suresh Kumar, P.S. Safdarjung Enclave.

6. The complainant/respondent No.3 and respondent no.2 states that the matter has been settled with the petitioners and they have no objection if the FIR is quashed.

7. In view of the settlement between the parties, learned ASC for the



State also has no objection if the present FIR is quashed.

8. In *Gian Singh v. State of Punjab*, (2012) 10 SCC 303, the Hon'ble Supreme Court has recognized the need of amicable resolution of disputes by observing as under:-

“61. ... In other words, the High Court must consider whether it would be unfair or contrary to the interest of justice to continue with the criminal proceedings or continuation of criminal proceedings would tantamount to abuse of process of law despite settlement and compromise between the victim and the wrongdoer and whether to secure the ends of justice, it is appropriate that criminal case is put to an end and if the answer to the above question(s) is in the affirmative, the High Court shall be well within its jurisdiction to quash the criminal proceeding.”

9. In view of the aforesaid circumstances, and the fact that the parties have put a quietus to the dispute, no useful purpose will be served in continuing with the present FIR No. 13/2019, under Sections 186/353/332 of the IPC and Section 4 of Medicare Services Persons and Medicare Service Institutions (Prevention of Violence and Damage of Property) Act, 2008, registered at P.S. Safdarjung Enclave and all other consequential proceedings emanating therefrom, including the chargesheet pending before the Court of Ms. Nidhi Singh, learned Metropolitan Magistrate, South District, Saket Court, New Delhi.

10. In the interest of justice, the petition is allowed, and the FIR No. 13/2019, under Sections 186/353/332 of the IPC and Section 4 of Medicare Services Persons and Medicare Service Institutions (Prevention of Violence and Damage of Property) Act, 2008, registered at P.S. Safdarjung Enclave and all other consequential proceedings emanating therefrom, including the chargesheet pending before the Court of Ms. Nidhi Singh, learned Metropolitan Magistrate, South District, Saket Court, New Delhi, is hereby



quashed.

11. Petition is allowed and disposed of accordingly.
12. Pending application(s), if any, also stand disposed of.

AMIT SHARMA, J

JANUARY 9, 2024/nk