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

+ **W.P.(CRL) 1457/2024**

JANAK RAJ KAPOOR & ANR.

..... Petitioners

Through: Mr.Anil Segal, Mr.Lalit
Khurana, Mr.Parvesh Saini,
Mr.Vinay Partap, Mr.Bharat
Tyagi, Advs. with petitioners.

versus

STATE OF NCT DELHI & ANR.

..... Respondents

Through: Mr.Amol Sinha, ASC (Crl),
Mr.Kshitiz Garg, Mr.Ashvini
Kumar, Ms.Chavi Lazarus,
Advs. with SI Chandan.
Mr.M.K.Kandam, Adv. for R-2
with R-2 in person.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

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08.05.2024

CRL.M.A. 14217/2024 (Exemption)

1. Allowed, subject to all just exceptions.

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2. This petition has been filed under Article 226 of the Constitution of India seeking quashing of FIR No.172/2018 registered at Police Station: Paschim Vihar, Delhi, under Sections 354/452/506/509/34 of the Indian Penal Code, 1860 (in short, 'IPC'), along with all other proceedings arising therefrom, based on a settlement.

3. Issue Notice.

4. Notice is accepted by Mr.Amol Sinha, learned ASC and by



Mr.M.K.Kandam, the counsel for the respondent no.2.

5. The learned counsel for the petitioners submits that due to misunderstanding arising out of property/easements rights between the parties arising out of the common ownership in the building, subject FIR has been registered. It is stated that the petitioners and the respondent no.2, have amicably settled their *inter se* disputes and have executed a Compromise Deed dated 18.04.2024 and pursuant to the same, the complainant/respondent no.2 has filed her affidavit giving her consent for quashing of the abovementioned FIR.

6. The respondent no.2, who is personally present in Court and has been duly identified by the Investigating Officer (IO), does not oppose the present petition and she joins in the prayer of the petitioner, and states that she does not have any objection if the FIR and the proceedings emanating therefrom are quashed. She submits that she is making this statement out of her own free will and without any coercion.

7. I have perused the contents of the FIR and also the settlement arrived at between the parties.

8. Keeping in view the fact that the respondent no.2 does not wish to pursue her 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.

9. 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.

10. Accordingly, the present petition is allowed. FIR No.172/2018 registered at Police Station: Paschim Vihar, Delhi, under Sections 354/452/506/509/34 of the IPC and all consequential proceedings emanating therefrom against the petitioners are quashed, subject to the condition that the petitioners shall deposit costs of Rs.30,000/- jointly and severally with the *Delhi State Legal Services Authority* within a period of four weeks from today, and file the proof of such deposit with the Registry of this Court and supply a copy thereof to the IO, within the said period.

NAVIN CHAWLA, J

MAY 8, 2024/Arya/am

Click here to check corrigendum, if any