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

+ **CRL.M.C. 3884/2024, CRL.M.A. 14827/2024**

SAHIL KHAN & ORS.

..... Petitioners

Through: Mr. Pankaj Tanwar and Mr. Mukesh
Pandey, Advocates.

versus

THE STATE (NCT OF DELHI) & ANR.

..... Respondents

Through: Ms. Kiran Bairwa, APP for State with
SI Sachin Panwar, PS: Fatehpur Beri.
Mr. D. S. Tomar and Mr. Raghav
Ram Pandey, Advs. for R-2 with
Respondent No. 2 through VC.

CORAM:

HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

ORDER

% **14.05.2024**

CRL.M.A. 14826/2024

Exemption allowed, subject to just exceptions.

Application stands disposed of.

CRL.M.C. 3884/2024

1. Petition under Section 482 of the Code of Criminal Procedure, 1973 ('Cr.P.C.') has been preferred on behalf of the petitioners for quashing of FIR No. 0352/2020, under Sections 308/323/34 IPC, registered at PS: Fatehpur Beri.
2. Issue notice. Learned APP for the State and learned counsel for respondent No. 2 along with respondent No. 2 (through VC) appear on advance notice and accept notice.
3. In brief, as per the case of petitioners, present FIR under Sections 308/323/34 IPC was registered on 11.09.2020, on statement of respondent



No. 2, who alleged that on 10.09.2020 at about 09:45 PM while he was returning with his cousin Asif, they were assaulted by Sahil S/o Sh. Shabir, Suhail Khan @ Sohil S/o Jabbar and Irfan with brick and stick.

4. Learned counsel for the petitioners submits that the matter has been amicably settled between the parties in terms of MoU dated 23.04.2024 and prays for quashing of FIR.

5. Learned APP for State vehemently opposes the petition and submits that charge has been framed under Sections 341/307/34 IPC, since the nature of injury sustained by complainant on forehead was opined to be grievous in nature.

6. At this stage, learned counsel for the petitioners states that since Section 307 IPC appears to have been wrongly invoked at the stage of charge, permission may be granted to withdraw the petition, as petitioners intend to challenge the order on point of charge in first instance, with liberty to prefer the petition for quashing thereafter.

Taking the statement of learned counsel for the petitioners on record, petition is accordingly disposed of. Pending applications, if any, also stand disposed of.

ANOOP KUMAR MENDIRATTA, J.

MAY 14, 2024/R