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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CRL.M.C. 2211/2020 & CRL.M.A. 15704/2020, CRL.M.A.
16448/2020, CRL.M.A. 16111/2021

BALJEET KAUR KATHPAL & ANRPetitioners

Through: Mr. Siddharth Sharma, Advocate.

versus

STATE OF NCT OF DELHI & ANRRespondents

Through: Mr. Shoaib Haider, APP for State
with SI Sahil PS Karol Bagh, New
Delhi.

Mr. Jugal Wadhwa, Mr. Raghav
Goyal and Mr. Rishab Bhalla,
Advocates for R2.

Mr. R.D. Singh, Advocate for
applicant in Crl. MA 5764/2023 with
applicant in person.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

% **18.12.2024**

**CRL.M.A. 5764/2023 (for modification of the orders dated 11.10.2021
and 25.10.2021)**

1. The present application has been preferred by the applicant/*Inderjeet Singh Gambhir* seeking revocation/modification of the orders dated 11.10.2021 and 25.10.2021.
2. Pertinently, the applicant is one of the co-accused in FIR No.528/2018 registered under Section 448/34 IPC at PS Karol Bagh, Delhi.
3. The instant petition was filed by Baljeet Kaur Kathpal (petitioner no.1) and Ms. Urvashi Kaur Kathpal (petitioner no.2), who were co-accused



in the aforesaid FIR. Vide order dated 11.10.2021, as modified on 25.10.2021, the Predecessor Bench of this Court taking note of the compromise/settlement between the parties, directed the quashing of the aforesaid FIR against petitioner Nos. 1 and 2. The latter order was, in fact passed in the presence of the applicant, who appeared and objected, however, despite the same, the modification order was passed on 25.10.2021 and it was directed that the aforesaid FIR be quashed only against petitioner Nos. 1 and 2.

4. The present application has been filed after a gap of nearly two years. The only premise to file the present application is that a prior settlement was not shown to the Court.

5. The order dated 11.10.2021 is extracted hereinbelow:

“...1. This is a petition under Section 482 Cr.P.C. for quashing of FIR No.528/2018, under Section 448/34 IPC , registered at Police Station-Karol Bagh, Delhi, and all proceedings emanating therefrom.

2. On the complaint of respondent no.2, the aforesaid FIR was got registered against the petitioners.

3. Counsel for the petitioner submits that during the pendency of the trial, with the intervention of mediation of common friends, and elder persons of the society, the parties have settled the matter amicably in terms of the Family Settlement dated 28.09.2021. Copy of the said settlement is placed on record. It is submitted by the counsel for petitioners that petitioner no.1 is a 61 years old lady and the respondent no.2 is the mother of petitioner no.1 who is the complainant in the FIR is about 85 years old and parties have arrived at an amicable settlement to bring a quietus to all the disputes.

4. Petitioners is present today in Court. SPA of Respondent No.2 is also present in Court today and they have been identified by the IO. I have interacted with the parties and they submit that they have settled their disputes. Respondent No.2 admits that she



has settled the matter amicably with the petitioner. She further submits that the settlement/compromise has taken place voluntarily, without any force, pressure or coercion. SPA of Respondent No.2 submits that nothing remains to be adjudicated further between them and she has no objection if the FIR in question is quashed. Smt. Baljeet Kaur Kathpal, petitioner no.1 submitted that she will handover the keys of the room in question on the second floor along with its vacant possession in property bearing no. 4/2592, Beadon Pura, Karol Bagh, New Delhi-05 to the attorney namely Sh. Amrit Pal Singh Gambhir.

5. Learned APP for the State submits that in view of the settlement, the State has no objection if the FIR in question be quashed.

6. Keeping in view the above facts and circumstances, since the matter has been amicably settled between the parties, no useful purpose will be served by keeping the case pending. It will be nothing but abuse of the process of law. Consequentially, this petition is allowed and FIR No.528/2018, under Section 448/34 IPC , registered at Police Station-Karol Bagh, Delhi, and the proceedings emanating therefrom shall stand quashed

7. The present petition stands disposed of accordingly...”

6. A perusal of the aforesaid order would show that not only the complainant/respondent No.2 was present and identified by the IO but also made a statement to the effect that she has settled the matter amicably with the petitioner Nos. 1 and 2. Learned counsel for the respondent No.2 reiterates that the parties have adhered to the statements made on 11.10.2021 and 25.10.2021.

7. The applicant seems to be aggrieved by the fact that the respondent No.2 has not reached a similar settlement with the applicant.

8. Keeping in view the fact that the impugned order was passed after verifying the factum of settlement between the parties, no ground is made



out to entertain the present application and the same is accordingly dismissed.

MANOJ KUMAR OHRI, J

DECEMBER 18, 2024/*rd*