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

+ **CRL.M.C. 5172/2024**

PRAVEEN ALIAS KHIRU

.....Petitioner

Through: Ms. Shalini Sharma, Advocate.

versus

THE STATE OF NCT OF DELHI & ANR.

.....Respondents

Through: Mr. Utkarsh, APP for State with SI
Pradeep, P.S. Mehrauli, Delhi.
Ms. Shilpa, Advocate for R-2.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

16.10.2024

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CRL.M.A. 19729/2024

Exemption granted, subject to just exceptions.

The application stands disposed-of.

CRL.M.C. 5172/2024

By way of the present petition filed under section 528 of the Bharatiya Nagarik Suraksha Sanhita 2023, the petitioner seeks quashing of case FIR No. 389/2017 dated 15.06.2017 registered under sections 452/308/34 of the Indian Penal Code, 1860 ('IPC') at P.S.: Mehrauli, Delhi.

2. The petition is premised on Settlement Deed/Agreement dated 24.05.2024, whereby the petitioner and respondent No. 2/complainant have resolved the matter amicably.



3. *Vide* last order dated 09.07.2024, this court had directed the State to file relevant documents, and if necessary a status report, since the subject FIR discloses that there were 02 injured persons in the incident but Settlement Deed/Agreement dated 24.05.2024 has been signed only by 01 of the injured persons, *viz.* respondent No.2/Nazar. Furthermore, this court had also directed that a copy of the MLC of the injured persons be placed on record.
4. Mr. Utkarsh, learned APP for the State informs the court that status report has been filed. However, the same is not on record. Be that as it may, Mr. Utkarsh submits, that that other injured victim, Naved, who is from Bihar, is not traceable and the other accused person, *viz.* Vikash, has passed-away. Learned APP further confirms that by reason of non-availability of Naved, he has since been dropped as a prosecution witness before the learned Trial Court.
5. MLC dated 15.06.2017 of respondent No. 2 is on record. It is noticed that though the doctor has opined that the injury sustained by respondent No. 2 was 'grievous', he had only sustained an injury on his ankle, which had only caused swelling on the right ankle.
6. Respondent No. 2/Nazar is present in court. The court has interacted with him. He confirms that he had only sustained injury on his right ankle and that he is now fully healed and is in a position to perform all activities as he needs to. He submits that his entire treatment was paid for by the petitioner; and that he does not seek any further compensation from the petitioner. He further submits that since the petitioner is a neighbour, he does not wish to pursue any further proceedings in the subject FIR and wishes to close the matter.



7. In the circumstances, in line with the law laid down by the Supreme Court in *Gian Singh vs. State of Punjab & Anr.* reported as (2012) 10 SCC 303 as also in *Narinder Singh & Ors. vs. State of Punjab & Anr.* reported as (2014) 6 SCC 466, this court sees no reason why the subject FIR and all proceedings emanating therefrom should not be quashed. This court is of the view that in light of the settlement between the contesting parties, continuing with the subject FIR and all subsequent proceedings would be an exercise in futility and would not be conducive to peace and harmony between the parties.
8. Accordingly, FIR No. 389/2017 dated 15.06.2017 registered under sections 452/308/34 IPC at P.S.: Mehrauli, Delhi is quashed. All proceedings arising therefrom also stand closed.
9. Petition stands disposed-of.
10. Pending applications, if any, also stand disposed-of.

ANUP JAIRAM BHAMBHANI, J

OCTOBER 16, 2024

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