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

+ CRL.M.C. 5173/2024

JITENDER KUMAR & ORS.

.....Petitioners

Through: Ms. Sumati Sharma and Mr. M.S.
Himanshu Vij, Advocates.

versus

STATE OF NCT OF DELHI & ANR.

.....Respondents

Through: Mr. Utkarsh, APP for the State with
SI Vipin Rathi, P.S.: Tigri, South
Delhi.

+ CRL.M.C. 5179/2024

HARI CHAND & ANR.

.....Petitioners

Through: Mr. Amit Kumar, Advocate.

versus

STATE & ANR.

.....Respondents

Through: Mr. Utkarsh, APP for the State with
SI Vipin Rathi, P.S.: Tigri, South
Delhi.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

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25.09.2024

CRL.M.C. 5173/2024

CRL.M.C. 5179/2024

By way of CRL.M.C. No.5173/2024 filed under section 482 of the Code of Criminal Procedure 1973, the parties seek quashing of case FIR No. 128/2023 dated 06.04.2023 registered under sections 323/354/506/34 of the Indian Penal Code, 1860 ('IPC') at P.S.: Tigri, Delhi; *and* by way of CRL.M.C. No. 5179/2024 filed under section 482 of the Cr.P.C., the parties seek quashing of case FIR No.129/2023 dated 07.04.2023 registered under sections 323/354/354(B)/34 IPC at P.S.: Tigri, Delhi.



2. The petitions are premised on Memorandum of Settlement dated 12.04.2024, whereby the parties have resolved the matter amicably.
3. The petition is also supported by affidavits of the parties, alongwith proof of their I.D.s.
4. The contesting parties are present in court. Their credentials have been verified and they have also been identified by their respective counsel.
5. The court has interacted with the complainant/respondent No.2 in both the matters, as also with the petitioners, who have confirmed that they have now resolved the matter and a Memorandum of Settlement dated 12.04.2024 has been signed by them closing all issues amicably. Parties state that they want to close all proceedings arising from the subject FIRs and now wish to live in peace and harmony going forward.
6. Mr. Utkarsh, learned APP confirms that the State has no objection to the subject FIRs being quashed.
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 FIRs 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 FIRs and all subsequent proceedings would be an exercise in futility and would not be conducive to peace and harmony between the parties.



8. While allowing the petition however, this court considers it appropriate, that by way of atonement, the quashing of the subject FIRs shall be subject to the *petitioners in each of the two cases* paying costs of Rs. 5,000/- *each* to Friendicoes SECA, No.271 & 273, Defence Colony Flyover Market, Jungpura, New Delhi, within 04 weeks. Petitioners are directed to place on record the proof of payment of costs, within 01 week thereafter.
9. Subject to the aforesaid condition, FIR No. 128/2023 dated 06.04.2023 registered under sections 323/354/506/34 of IPC at P.S.: Tigri, Delhi *and* FIR No.129/2023 dated 07.04.2023 registered under sections 323/354/354(B)/34 of IPC at P.S.: Tigri, Delhi are quashed. All proceedings arising therefrom also stand closed.
10. The Registry is directed to re-list the matter if costs are not paid as directed.
11. The petitions stand disposed-of.
12. Pending applications, if any, also stand disposed-of.

ANUP JAIRAM BHAMBHANI, J

SEPTEMBER 25, 2024/ak