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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CRL.M.C. 5215/2024 and CRL.M.A. 19897/2024 (for stay)
ASHOK KUMAR SHARMA & ANR.Petitioners

Through: Mr. Gaurav Mishra with Mr. Sandeep Tyagi, Mr. Ashish Goyal and Mr. Naresh Kr. Tyagi, Advocates with petitioners in-person.

versus
THE STATE (GOVT. OF NCT OF DELHI) & ANR.Respondents

Through: Mr. Manoj Pant, APP for the State with Ms. Ayushi Chandra, Mr. Vipin Kumar, Mr. Viksit, Advocates and Insp. Vikas Malik, W/ASI Asha, P.S.: M.S. Park.
Ms. Ishita Singhal and Mr. Rajesh Jain, Advocates for R2 with R2 via video-conferencing.

CORAM:
HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

% **ORDER**
10.07.2024

CRL.M.A. 19896/2024

Exemption granted, subject to just exceptions.

Let requisite compliances be made within 01 week.

The application stands disposed of.

CRL.M.C. 5215/2024

By way of the present petition filed under section 528 of the Bharatiya Nagarik Suraksha Sanhita 2023, the petitioners and complainant/respondent No. 2, seek quashing of case FIR



No.545/2021 dated 28.12.2021 registered under sections 323/342/354/509/506/34 of the Indian Penal Code, 1860 ('IPC') at P.S.: M. S. Park, Delhi.

2. The petition is premised on Compromise Deed dated 04.07.2024, whereby the petitioners and respondent No. 2 have resolved the matter amicably.
3. The petitioners are present in court. Respondent No.2 has joined *via* video-conferencing. So has her counsel. The Investigating Officer, who is present in court, identifies respondent No.2.
4. Though the copy of Compromise Deed dated 04.07.2024 placed on the record has not been signed by respondent No.2/complainant, Mr. Gaurav Mishra, learned counsel appearing for the petitioners has handed-up a signed copy; and respondent No.2 has confirmed having signed the same.
5. The petition is also supported by affidavits of the petitioners and of respondent No. 2, alongwith proofs of their I.D.s.
6. Mr. Mishra informs the court that a subsequent FIR bearing No. 57/2023 registered under sections 323/354/448/451/506/509/34 IPC at P.S.: Mansarovar Park, New Delhi has been quashed by a Co-ordinate Bench of this court *vide* order dated 02.07.2024 made in W.P.(CRL) No.2927/2023. In the circumstances, it is submitted that the present FIR be also quashed in the interests of maintaining peace and harmony amongst the parties, who are neighbours.
7. The court has interacted with the petitioners, as also with respondent No.2. They have confirmed that they have now resolved the matter and Compromise Deed dated 04.07.2024 has been signed by them



closing all issues amicably. Parties now wish to live in peace and harmony going forward.

8. Mr. Manoj Pant, learned APP confirms that the State has no objection to the subject FIR being quashed.
9. 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.
10. While allowing the petition however, this court considers it appropriate, that by way of atonement, the petitioners shall pay costs of Rs.10,000/- (Rupees Ten Thousand Only) to Friendicoes SECA, No.271 & 273, Defence Colony Flyover Market, Jungpura, New Delhi within 04 weeks.
11. Subject to the aforesaid condition, FIR No. 545/2021 dated 28.12.2021 registered under sections 323/342/354/509/506/34 IPC at P.S.: M. S. Park is quashed. All proceedings arising therefrom also stand closed.
12. Petitioners are directed to place on record the proof of payment of costs.
13. The Registry is directed to re-list the matter if costs are not paid as directed.



14. The petition stands disposed-of.
15. Pending applications, if any, also stand disposed-of.

ANUP JAIRAM BHAMBHANI, J

JULY 10, 2024
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