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

+ **CRL.M.C. 5343/2024**

ATUL MISHRA AND ORS.

.....Petitioners

Through: Ms.Vijaya Rani, Adv. with the
petitioners (through VC)

versus

STATE (GOVT OF NCT OF DELHI) AND ANRRespondents

Through: Mr. Digam Singh Dagar, APP for
State
SI Dinesh Kumar, PS Nand Nagri
Mr.Zhoor Mehndi and Mr. Shubham
Bharti, adv. for Respondents no.2 and
3 (through VC)

CORAM:

HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

15.07.2024

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CRL.M.A. 20426/2024 (exemption)

1. Exemption is allowed, subject to all just exceptions.
2. The application stands disposed of.

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3. The present petition has been filed seeking quashing of FIR No.404 dated 10th August, 2013 registered under Sections 323/341/147/149/34 of the Indian Penal Code, 1860 registered at Police Station Nand Nagri on the ground of settlement.

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4. It is stated that a misunderstanding between the parties resulted in filing of the present FIR.
5. It is the case of the petitioners that the parties have settled all their disputes *vide* Settlement Deed dated 27th November, 2018 which has been filed as Annexure P2 to the present petition.
6. In terms of the settlement dated 27th November, 2018 , a sum of Rs.60000/- was payable by the petitioner to the respondent which has been duly paid.
7. Issue Notice.
8. Learned APP, appearing on behalf of respondent no.1/State and counsel appearing on behalf of the respondents no.2 and 3 accept Notice.
9. The petitioners are present in Court through Video Conferencing (VC) and have been identified by their counsel and the Investigating Officer (IO). The petitioners agree to abide by the terms of the settlement arrived at between the parties as recorded in the Settlement Deed.
10. The respondents no.2, who is also SPA holder of respondent no.3, is also present in Court through VC and has been identified by the IO. They inform the Court that they have settled the matter of their own free will and without any coercion. They further state that they do not wish to pursue the present FIR any further and have no objection if the present petition is allowed.
11. Considering the above settlement between the parties and the chances of conviction of the petitioners being remote and bleak, there is no use continuing with the proceedings under the present FIR. Hence, it would be



in the interest of justice to quash the aforementioned FIR and the proceedings pursuant thereto.

12. Even though the matter has been settled, the FIR was lodged in the year 2013 and the parties have settled the matter after five years. The petitioners, on account of their acts and omissions have wasted considerable time of the police and the courts in the present matter. In these circumstances, the petitioners would be liable to pay costs, which would be utilized for socially beneficial causes.

13. Accordingly, the FIR No.404 registered at PS Nand Nagri and all the other proceedings emanating therefrom are quashed, subject to the petitioners paying costs of Rs.15,000/- to the Delhi High Court Legal Services Committee within two weeks from today.

14. The necessary Compliance Report may be filed with the Registry within four weeks from today.

15. The petition and the pending applications, if any, stand disposed of in the aforesaid terms.

AMIT BANSAL, J

JULY 15, 2024/rb

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