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

+ **W.P.(CRL) 2162/2024**

DEVENDER KUMAR SHARMA & ANR.Petitioners

Through: Mr. Pankaj Gupta and Mr. Abhishek
Kashyap, Advocates.

versus

GOVT OF NCT OF DELHI & ANR.Respondents

Through: Mr. Anand V. Khatri, ASC (Crl.) for
the State with SI Ghan Shyam, P.S.:
Sarai Rohilla.
Mr. Sushil Kumar and Mr. Ankur
Modi Singh, Advocates for R-2
with R-2 in-person.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

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22.07.2024

CRL.M.A. 21056/2024 (exemption)

Exemption granted, subject to just exceptions.

The application stands disposed-of.

W.P.(CRL) 2162/2024

By way of the present petition filed under Article 226 of the Constitution of India read with section 482 of the Code of Criminal Procedure 1973 ('Cr.P.C.'), the petitioners and complainant/respondent No. 2, seek quashing of case FIR No.555/2022 dated 25.08.2022 registered under sections 323/354(A)/354(B)/506/509/34 of the Indian Penal Code, 1860 ('IPC') at P.S.: Sarai Rohilla, Delhi.



2. The petition is premised on Memorandum of Family Settlement dated 05.06.2024, whereby the petitioners and respondent No. 2 have resolved the matter amicably.
3. The petition is also supported by affidavits of the petitioners and of respondent No. 2, alongwith proofs 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. It transpires that though there are 03 accused persons named in the FIR, only 02 accused persons have filed the present petition. Mr. Pankaj Gupta, learned counsel appearing for the petitioner explains, that though the third accused person has not joined as a co-petitioner in the matter since she was not available, respondent No.2/complainant has settled the matter with all 03 accused persons.
6. Respondent No.2 is present in court. The court has interacted with her. She confirms that she has resolved her disputes with the petitioners, as well as with the third accused who has not joined as a petitioner, and does not wish to pursue the FIR.
7. Mr. Gupta informs the court that a cross-FIR bearing No. 354/2022 dated 26.06.2022 registered under sections 509/354/34 IPC at P.S.: Sarai Rohilla, Delhi, has also been quashed today by a Co-ordinate Bench of this court in W.P.(CRL) No. 2169/2024.
8. Issue Notice.
9. Mr. Anand V. Khatri, learned ASC (Criminal) appears for the State on advance copy; accepts notice; and confirms that the State has no objection to the subject FIR being quashed.



10. Learned ASC further points-out that in her statement dated 02.07.2024 recorded under section 164 of the Cr.P.C, respondent No.2 has deposed that she does not seek any action pursuant to the subject FIR, which she is withdrawing.
11. Mr. Khatri however submits that the quashing of the subject FIR should be subject to payment of costs since the present case is an example of misuse of section 354 IPC and other cognate offences as a means to settle disputes within the family, which are essentially civil in nature.
12. 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.
13. In the circumstances of the case and considering the submission made by the learned ASC, the quashing of the FIR shall be subject to each of the petitioners paying costs of Rs. 10,000/- to Friendicoes SECA, No. 271 & 273, Defence Colony Flyover Market, Jungpura, New Delhi within 04 weeks.
14. Subject to the aforesaid condition, FIR No. 555/2022 dated 25.08.2022 registered under sections 323/354(A)/354(B)/506/509/34



IPC at P.S.: Sarai Rohilla, Delhi is quashed. All proceedings arising therefrom also stand closed.

15. Petitioners are directed to place on record the proof of payment of costs.
16. The Registry is directed to re-list the matter if costs are not paid as directed.
17. The petition stands disposed-of.
18. Pending applications, if any, also stand disposed-of.

ANUP JAIRAM BHAMBHANI, J

JULY 22, 2024/ak