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

+ **CRL.M.C. 5705/2024**

PRAVEEN SAHAI

.....Petitioner

Through: Mr. Ram Lal, Mr. Yogendra, Mr. Pratap Singh and Mr. Roshan Lal, Advocates.

versus

THE STATE GOVT OF NCT OF DELHI & ANR.Respondents

Through: Mr. Utkarsh, APP for the State with Mr. Sandeep Rexwal, Mr. S. Waseem, Mr. Tanzeen Hasmi, Ms. Bhumika Rajpal, Mohd. Tauheed. SI Shiv Dayal Kumar, P.S. Harsh Vihar.

Rishabh and Ms. Ashwani Rani, Advocates for R2.

Respondent No.2 via video-conferencing.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

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26.07.2024

CRL.M.A. 21807/2024 (exemption)

Exemption granted, subject to just exceptions.

Let requisite compliances be made within 01 week.

The application stands disposed of.

CRL.M.C. 5705/2024

By way of the present petition filed under section 482 of the Code of Criminal Procedure 1973 ('Cr.P.C.'), the petitioner seeks quashing of case FIR No. 0508/2018 dated 18.10.2018 registered under sections 392/448/34 of the Indian Penal Code, 1860 ('IPC') at P.S.: Harsh Vihar, Delhi ('subject FIR').



2. Though the present petition has been filed under the provisions of the Cr.P.C., in the opinion of this court, on a plain reading of section 531(2)(a) of the Bharatiya Nagarik Suraksha Sanhita 2023 ('BNSS'), proceedings are to be "*disposed of, continued, held or made*" in accordance with the Cr.P.C. *only* in cases where ***such proceedings***, viz. "*any appeal, application, trial, inquiry or investigation*", were already ***pending*** immediately before the date on which the BNSS came into force, i.e. 01.07.2024. It appears therefore, that while inserting the repeal and savings provision in section 531 of the BNSS, the intention of Parliament was to not disrupt on-going proceedings by changing the governing law during the pendency of such proceedings.
3. Since the present petition has been *filed after 01.07.2024* and no such proceeding was already pending before that date, in the opinion of this court, the present petition ought to have been filed under the BNSS. Be that as it may, in order to obviate any unnecessary delay, the present petition is treated as one under section 528 of the BNSS.
4. The petition is premised on Memorandum of Understanding/Settlement-cum-Joint Compromise dated 07.12.2023 ('MoU'), whereby the petitioner and respondent No. 2 have resolved the matter amicably.
5. The petition is also supported by affidavits of the petitioners and of respondent No. 2, along with proofs of their I.D.s.
6. Though respondent No. 2 has joined *via* video-conferencing, by reason of technical glitches he is not clearly audible. However, he is



represented in court by counsel and his affidavit has also been placed on record.

7. Mr. Rishabh, learned counsel appearing for respondent No.2 confirms that the amount of Rs. 6 lacs as reflected in the MoU has been received by respondent No.2.
8. Mr. Utkarsh, learned APP appearing for the State, while submitting that the State has no objection to the subject FIR being quashed, points-out that *vide* order dated 20.03.2024 made in CRL.M.C. No. 2297/2024 a Co-ordinate Bench of this court has already quashed the subject FIR as against the co-accused Naveen Sahai who was the petitioner in CRL.MC. No. 2297/2024.
9. Upon perusal of order dated 20.03.2024, it is observed that the Co-ordinate Bench had imposed certain costs as a condition for quashing of the said subject FIR *qua* the co-accused.
10. 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.
11. While allowing the petition however, this court considers it appropriate that by way of atonement, the petitioner shall pay costs of Rs.20,000/- (Rs. Twenty Thousand Only) to Friendicoes SECA,



No.271 & 273, Defence Colony Flyover Market, Jungpura, New Delhi, within 02 weeks.

12. Subject to the aforesaid condition, FIR No. 0508/2018 dated 18.10.2018 registered under sections 392/448/34 IPC at P.S.: Harsh Vihar, Delhi is quashed. All proceedings arising therefrom also stand closed.
13. The petitioner is directed to place on record proof of payment of costs, within one week thereafter.
14. The Registry is directed to re-list the matter if costs are not paid as directed above.
15. The petition stands disposed-of.
16. Pending applications, if any, also stand disposed-of.

ANUP JAIRAM BHAMBHANI, J

JULY 26, 2024

V.Rawat