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

+ **CRL.M.C. 5807/2024**

CHAND MOHAMMAD & ORS.Petitioners

Through: Mohd. Shamikh, Mr. Shivam Gaur,
Mr. Ravi Garg and Ms. Dilpreet
Singh, Advocates.

versus

STATE OF DELHI & ANR.Respondents

Through: Ms. Shubhi Gupta, APP for State.
SI Anugraha, P.S. Welcome.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

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30.07.2024

CRL.M.A.22201/2024 (exemption)

Exemption granted, subject to just exceptions.

Let requisite compliances be made within 01 week.

The application stands disposed-of.

Crl. M.C. 5807/2024

By way of the present petition filed under section 482 of the Code of Criminal Procedure 1973 ('Cr.P.C.'), the petitioners seek quashing of case FIR No. 0350/2016 dated 15.08.2016 registered under sections 323/452/336/506 of the Indian Penal Code, 1860 ('IPC') and section 25/27/54 of the Arms Act, 1959 ('Arms Act') at P.S.: Welcome, 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 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 Compromise Deed dated 11.07.2024, whereby the petitioners and respondent No. 2, who are stated to be neighbours, have resolved the matter amicably.
5. The petition is also supported by affidavits of the petitioners and of respondent No. 2, alongwith proofs of their I.D.s.
6. Learned counsel appearing on behalf of the petitioner submits, that the genesis of the matter is a petty dispute regarding kite-flying. The FIR was registered in 2016 and the trial is presently at the stage of framing of charge.
7. The parties are present in court. Their credentials have been verified and they have also been identified by their respective counsel.



8. The court has interacted with the petitioners, as also with respondent No.2, who have confirmed that they have now resolved the matter and the compromise deed has been signed by them closing all issues amicably. Parties now wish to live in peace and harmony going forward.
9. Ms. Shubhi Gupta, learned APP confirms that the State has no objection to the subject FIR being quashed.
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. Accordingly, FIR No. 0350/2016 dated 15.08.2016 registered under sections 323/452/336/506 of the IPC and section 25/27/54 of the Arms Act at P.S.: Welcome, Delhi is quashed. All proceedings arising therefrom also stand closed.
12. Petition stands disposed-of.
13. Pending applications, if any, also stand disposed-of.

ANUP JAIRAM BHAMBHANI, J

JULY 30, 2024

V.Rawat