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

+ **CRL.M.C. 5931/2024**

SHEKHAR DHAKA & ORS.

.....Petitioners

Through: Mr. Naresh Kumar, Advocate
alongwith all the petitioners.

versus

STATE OF NCT OF DELHI & ANR.

.....Respondents

Through: Mr. Hitesh Vali, APP for the State
with SI Ramesh Kumar, P.S; Lodhi
Colony.

Respondent No.2 is present *via* video-
conferencing.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

% **20.11.2024**

CRL.M.A. 22680/2024 (exemption)

Exemption granted, subject to just exceptions.

Let requisite compliances be made within 01 week.

The application stands disposed-of.

CRL.M.C. 5931/2024

By way of the present petition filed under section 528 of the Bharatiya Nagarik Suraksha Sanhita 2023, the petitioners seek quashing of case FIR No. 86/2024 dated 30.03.2024 registered under sections 308/34 of the Indian Penal Code, 1860 ('IPC') at P.S.: Lodi Colony, New Delhi.

2. The petition is premised on Memorandum of Understanding dated 25.07.2024, 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 proof of their IDs.
4. All the petitioners are present in court. However, respondent No.2 has joined the proceedings *via* video-conferencing. Their credentials have been verified and they have also been identified by their respective counsel.
5. It is noticed that the petitioner has not placed on record a copy of order dated 24.09.2024 passed by the learned Judicial Magistrate First Class, Saket Courts, New Delhi. Mr. Naresh Kumar, learned counsel for the petitioner submits, that the petitioners have not yet received summons in the matter and are therefore unable to obtain a copy of that order.
6. However, Mr. Hitesh Vali, learned APP for the State confirms, that *vide* order dated 24.09.2024, the learned JMFC has taken cognizance and issued summons to the petitioner *only* for the offences under section 323/34 IPC and has declined to take cognizance under section 308 IPC.
7. Learned counsel for the petitioner submits, that petitioner No.1 and respondent No.2 are international level athletes. Counsel further submits, that petitioner No.1 has cleared all examinations and is to join the Indian Army next month.
8. In the circumstances, counsel prays that the proceedings in the subject FIR be quashed based on the memorandum of understanding between the parties.
9. The court has interacted with respondent No.2, as also with petitioners, who have confirmed that they have now resolved the



matter and a Memorandum of Understanding dated 25.07.2024 has been signed by them closing all issues amicably. Parties now wish to live in peace and harmony going forward.

10. Mr. Hitesh Vali, learned APP confirms that the State has no objection to the subject FIR being quashed.
11. 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.
12. Accordingly, FIR No. 86/2024 dated 30.03.2024 registered under sections 308/34 IPC at P.S.: Lodi Colony, New Delhi is quashed. All proceedings arising therefrom also stand closed.
13. Petition stands disposed-of.
14. Pending applications, if any, also stand disposed-of.

ANUP JAIRAM BHAMBHANI, J

NOVEMBER 20, 2024

V.Rawat