



\$~9 & 10

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

+ **CRL.M.C. 5945/2024**

GULSHAN KUMAR AND ANRPetitioners

Through: Mr. Ajit Nair and Mr. Akashdeep,
Advocates.
Petitioners in court.

versus

STATE THROUGH SHO PS NARAINA AND ANR

.....Respondents

Through: Ms. Shubhi Gupta, APP for the State.
R2 in court.

+ **CRL.M.C. 5988/2024**

MUKESH KUMAR AND ANRPetitioners

Through: Petitioners in court.

versus

STATE THROUGH SHO PS NARAINA AND ANR

.....Respondents

Through: Ms. Shubhi Gupta, APP for the State.
Mr. Ajit Nair and Mr. Akashdeep,
Advocates for R-2.
R2 in court.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

%

28.08.2024

CRL.M.A. 22728/2024 in CRL.M.C. 5945/2024

CRL.M.A. 22869/2024 in CRL.M.C. 5988/2024

Exemption granted, subject to just exceptions.

Applications stand disposed-of.



CRL. M.C.5945/2024

CRL.M.C. 5988/2024

By way of the present petitions filed under section under section 528 of the Bharatiya Nagarik Suraksha Sanhita 2023, the petitioners seek quashing of cross-FIRs, stated to be arising from the same incident, the two FIRs bearing FIR No. 0002/2019 dated 04.01.2019 registered under sections 354/354(B)/506 of the Indian Penal Code, 1860 ('IPC') and sections 10/12 of the Protection of Children from Sexual Offence Act, 2012 ('POCSO Act') at P.S.: Naraina, New Delhi (subject FIR in CRL.M.C. No. 5945/2024) and FIR No. 0003/2019 dated 04.01.2019 registered under sections 323/341/506/509/34 IPC at P.S.: Naraina, New Delhi (subject FIR in CRL.M.C. No. 5988/2024).

2. The petitions are supported by respondent No.2's affidavit dated 17.05.2024 filed in CRL.M.C. No. 5945/2024; and respondent No.2's affidavit dated 30.04.2024 filed in CRL.M.C. No. 5988/2024, which confirm that the parties have resolved their disputes, differences, misunderstandings and misgivings fully and finally; and also that the parties have agreed to cooperate in seeking the quashing of the subject FIRs.
3. The petitions are also supported by affidavits of the concerned petitioners, and of respondent No. 2 in the concerned case, alongwith proofs of their I.D.s.
4. The contesting parties in both petitions are present in court. Their credentials have been verified and they have also been identified by their respective counsel.



5. The court has interacted with the contesting parties in both petitions, who confirm that they have resolved their disputes amicably; and that they now wish to live in peace and harmony going forward.
6. Ms. Shubhi Gupta, learned APP confirms that the State has no objection to the subject FIRs being quashed.
7. 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 FIRs 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 FIRs and all subsequent proceedings would be an exercise in futility and would not be conducive to peace and harmony between the parties.
8. While allowing these petitions however, this court considers it appropriate, that by way of atonement, the petitioners in CRL.M.C. No. 5945/2024 shall *together* pay costs of Rs. 30,000/- to Friendicoes SECA, No.271 & 273, Defence Colony Flyover Market, Jungpura, New Delhi, within 04 weeks.
9. The petitioners in CRL.M.C. No. 5945/2024 are directed to place on record the proof of payment of costs within 02 weeks of payment.
10. Subject to the aforesaid condition, FIR No. 0002/2019 dated 04.01.2019 registered under sections 354/354(B)/506 IPC and sections 10/12 POCSO Act at P.S.: Naraina, New Delhi *and* FIR No. 0003/2019 dated 04.01.2019 registered under sections



323/341/506/509/34 IPC at P.S.: Naraina, New Delhi are quashed. All proceedings arising therefrom also stand closed.

11. The Registry is directed to re-list CRL.M.C. No. 5945/2024 if costs are not paid as directed above.
12. The petitions stand disposed-of.
13. Pending applications, if any, also stand disposed-of.

ANUP JAIRAM BHAMBHANI, J

AUGUST 28, 2024

ds