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

+ **CRL.M.C. 5964/2024**

SH NIKUNJ GULIYA & ORS.

.....Petitioners

Through: Mr. K.S. Verma, Mr. Shahrukh Khan,
Ms. Jyoti Verma, Mr. Sachin Verma,
Advocates

versus

STATE OF N C T. OF DELHI & ANR.

.....Respondents

Through: Mr. Satinder Singh Bawa, APP for
the State with SI Narendra PS
Mehrauli

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

02.08.2024

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1. The petitioners *vide* the present petition under Section 482 of the Code of Criminal Procedure, 1973 seek quashing of FIR No. 1365/2016 registered under Sections 325/379/506/34 IPC & 25/54/59 ARMS ACT at P.S. Mehrauli, Delhi against the Petitioners namely Nikunj Guliya and Devender @ Chidiya, and all proceeding emanating therefrom in view of the Settlement arrived at between the parties.

2. Issue notice. Learned ASC accepts notice on behalf of the State.

3. A request for quashing of the FIR has been made on account of the Settlement *inter se* the parties arrived at vide MOU dated 16.10.2023. It is submitted on behalf of the petitioner that the initial FIR was registered under Section 323 IPC, though subsequently the injuries were certified to be grievous and the Section was changed to 325 IPC. The charges framed were



under Sections 235/506/34 IPC and it is submitted that there was no recovery of the weapon affected from the two petitioners but the complainant had given the statement that the injuries had been inflicted by the heel of the butt of the pistol, but nothing was recovered from the petitioners. There is no prima facie fact disclosing the offences under Section 25 Arms Act, 1959.

4. In view of the above facts that the parties have amicably resolved their differences out of their own free will and without any coercion. Hence, it would be in the interest of justice to quash the abovementioned FIR and the proceedings pursuant thereto. Moreover, there is no legal impediment in quashing the FIR in question. All the parties endorse and state that they shall remain bound by the terms of Settlement dated 16.10.2023.

5. Considering the nature of the allegation and the mutual settlement between the parties, the FIR No. Accordingly, FIR No. 1365/2016 registered under Sections 325/379/506/34 IPC & 25/54/59 ARMS ACT in respect of the two petitioners herein and all consequential proceedings emanating therefrom are quashed. It is hereby clarified that the FIR and the Charge Sheet in respect of the accused No. 3 Vishal, who has been declared as a proclaimed offender in the said proceedings shall continue and it is also clarified that the observed herein are confined to this Petition.

6. The petition stands disposed of.

NEENA BANSAL KRISHNA, J

AUGUST 2, 2024/PT