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

+ **W.P.(CRL) 3610/2023**

ATIR SAIFI AND ANOTHER & ANR.

.....Petitioners

Through: Mohd. Shoaib, Advocate with
petitioners in person.

versus

STATE AND ANOTHER & ANR.

.....Respondents

Through: Mr. Amol Singh, ASC, Crl. with Mr.
Kshitiz Garg, Mr. Ashvini Kumar &
Ms. Chavi Lazarus, Advocates for
State.

Mr. S. Azad, Advocate for R-2 with
R-2 in person.

S.I. Jitender Singh, PS Jafrabad,
Delhi.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

08.08.2024

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1. The present Petitions under Article 226 of the Constitution of India read with Section 482 of the Code of Civil Procedure, 1973 (*hereinafter referred to as "Cr.P.C., 1973"*) have been filed on behalf of the petitioners seeking to quash the FIR No. 0372/2023 registered under Sections 323/341 of the Indian Penal Code, 1860 (*hereinafter referred to as "IPC, 1860"*) at Police Station Jafrabad, Delhi.

2. Brief facts of the case are that one PCR call was received on 03.08.2023 at around 01:27 P.M. stated that the caller is saying that respondent No. 2 got injured and the DD No. 40/42A dated 03.08.2023 was registered. Thereafter, the Police visited Quaan Wali Masjid and after doing enquiry came to know that the fight took place between the two groups and 2-3 people got injured and they went to the hospital their own. The Police



visited the Hospital, where they received MLC No. 12302/2023 of injured respondent No. 2 in which physical assault by known persons at 12:00 P.M. at Jafradbab, Delhi was found and searched for the respondent No. 2 but he could not be found. Again, search of respondent No. 2 was done by the Police and he was found, but he denied to give his statement. Thereafter, on the basis of PCR Call and MLC, the present FIR was registered.

3. During the pendency of the present FIR, the petitioners and the respondent No. 2 have settled all the disputes and differences between them *vide* Memorandum of Settlement/Compromise Deed dated 27.11.2023 which *inter alia* states that: -

- (i) That due to the intervention of the common friends, relatives and the respectable persons of the society as well as locality/market and their circle, the dispute has been settled amicably between the parties,
- (ii) That the parties shall withdraw all the pending cases filed against one another and undertake to live peacefully in their neighbourhood,
- (iii) That the respondent No. 2 shall appear before this Court at the time of quashing of FIR and give his 'No Objection' to the quashing of the same.

4. In view of the Memorandum of Settlement/Compromise Deed dated 27.11.2023, the present petition has been filed.

5. The petitioners and the respondent No. 2 are present in the Court today and they have been identified by their counsel and Investigating Officer concerned.

6. The parties have submitted that all the disputes have been amicably



settled *vide* Memorandum of Settlement/Compromise Deed dated 27.11.2023 and thus, no fruitful purpose will be served in continuing with the FIR.

7. The present petition has been signed by the petitioners and is supported by their affidavits. The parties have endorsed and reaffirmed the terms of the settlement and they also submit that the said settlement has been arrived at between the parties without any pressure and coercion.

8. Today, the complainant/respondent No. 2, who is present in person in the Court, states that he has settled the disputes with the petitioners and has no objection if the FIR is quashed.

9. In view of the above facts that the parties have amicably resolved their differences out of their own free will and without any coercion, no useful purpose will be served in continuing with the proceedings, rather the same would create further acrimony between them. Hence, it would be in the interest of justice to quash the abovementioned FIR and the proceedings pursuant thereto.

10. Moreover, there is no legal impediment in quashing the FIR in question.

11. Accordingly, FIR bearing No. 0372/2023 registered at Police Station Jafrabad, Delhi, for offences punishable under Sections 323/341 of IPC, 1860 and all consequential proceedings emanating therefrom are quashed.

12. The petition stands disposed of.

NEENA BANSAL KRISHNA, J

AUGUST 8, 2024

S.Sharma