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

+ **CRL.M.C. 6387/2024**

SURENDER PAL SINGH & ANR.Petitioners

Through: Mr. Jagjit Singh Dahiya and Mr. Raj
Gaurav, Advocates for P-1 and P-2.

versus

STATE NCT OF DELHI AND ANRRespondents

Through: Ms. Shubhi Gupta, APP for the State.
Mr. Sailash S. Charles, Advocate for
R-2.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

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20.08.2024

CRL.M.A. 24426/2024 (exemption)

Exemption granted, subject to just exceptions.

The application stands disposed-of.

CRL.M.C. 6387/2024

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.10/2017 dated 06.01.2017 registered under sections 323/341/354/34 of the Indian Penal Code, 1860 ('IPC') at P.S.: Moti Nagar, New Delhi.

2. The petition is premised on Memorandum of Understanding dated 09.05.2024, attested on 18.07.2024, 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 proofs of their I.D.s.



4. The contesting parties 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 petitioners, as also with respondent No.2, who have confirmed that they have now resolved the matter and a Memorandum of Understanding dated 09.05.2024, attested on 18.07.2024, has been signed by them closing all issues amicably. Parties 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 FIR 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 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.
8. While allowing the petition however, this court considers it appropriate, that by way of atonement, the petitioners shall pay costs of Rs.10,000/- each to Friendicoes SECA, No.271 & 273, Defence Colony Flyover Market, Jungpura, New Delhi within 02 weeks.
9. Subject to the aforesaid condition, FIR No.10/2017 dated 06.01.2017 registered under sections 323/341/354/34 of IPC at P.S.: Moti Nagar,



New Delhi is quashed. All proceedings arising therefrom also stand closed.

10. Petitioners are directed to place on record the proof of payment of costs within 01 week thereafter.
11. The Registry is directed to re-list the matter if costs are not paid as directed.
12. The petition stands disposed-of.
13. Pending applications, if any, also stand disposed-of.

ANUP JAIRAM BHAMBHANI, J

AUGUST 20, 2024/ak