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

+ **CRL.M.C. 6519/2024**

MAHENDER CHAUHAN

.....Petitioner

Through: Ms. Ria Goyal, Advocate with
petitioner in person.

versus

STATE NCT OF DELHI AND ANR.

.....Respondents

Through: Mr. Satinder Singh Bawa, APP for
State through VC.

Mr. Arjun Singh Mavi, Advocate for
R-2 with R-2 in person.

S.I. Raghbir Prasad, PS Khyala,
Delhi.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

% **21.08.2024**

CRL.M.A. 24936/2024 (Exemption)

1. Allowed, subject to all just exceptions.
2. The application is disposed of.

CRL.M.C. 6519/2024

3. The present Petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (*hereinafter referred to as "BNSS, 2023"*) has been filed on behalf of the petitioner seeking to quash the FIR No. 42/2019 registered under Sections 363/366 of the Indian Penal Code, 1860 (*hereinafter referred to as "IPC, 1860"*) at Police Station Khyala, Delhi.

4. Brief facts of the case are that the respondent No. 2/complainant's daughter, namely, Farheen B on 23.03.2019 at around 09:00 A.M. in the morning left her house informing anyone. Thereafter, the respondent No. 2 kept searching for his daughter on his own and he came to know that his daughter had been lured and taken away by the petitioner. Thereafter on the



complaint of the complainant/respondent No. 2, an FIR bearing No. 42/2019 under Sections 363/366 of the IPC, 1860 got registered at Police Station Khyala, Delhi and also the Chargesheet has been filed in the said FIR, which is pending before the learned Trial Court Delhi.

5. It is submitted that the parties have settled all the disputes and differences between them *vide* Memorandum of Understanding dated 01.08.2024 which *inter alia* states that: -

- (i) That the parties have settled all the disputes and differences between them,
- (ii) That the petitioner has apologised to the respondent No. 2 and the respondent No. 2 has forgiven him,
- (iii) That the respondent No. 2 shall cooperate the petitioner in getting the present FIR quashed,

6. In view of the Memorandum of Understanding dated 01.08.2024, the present petition has been filed.

7. A copy of the affidavit of daughter, namely, Farheen B, of the respondent No. 2 has been handed over in the Court, wherein it is stated that Farheen B has married with the petitioner on 13.03.2019 and out of the said wedlock, two minor children are born. It is further stated that Farheen B has no objection if the present FIR is quashed in view of the Memorandum of Understanding.

8. The petitioner and the respondent No. 2/complainant are present in person today, and they have been identified by their counsel and Investigating Officer concerned.

9. The parties have submitted that all the disputes have been amicably settled *vide* Memorandum of Understanding dated 01.08.2024 and thus, no



fruitful purpose will be served in continuing with the FIR.

10. The present petition has been signed by the petitioner and is supported by his affidavit as well as of respondent No. 2. 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.

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

12. In view of the above facts that the parties have amicably resolved their differences out of their own free will and without any coercion and also the fact that the present matter is a family matter, 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.

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

14. Accordingly, FIR bearing No. 42//2019 registered at Police Station Khyala, Delhi, for offences punishable under Sections 363/366 of IPC, 1860 and the Chargesheet and all consequential proceedings emanating therefrom are quashed.

15. **The Registry is directed to take the affidavit of Farheen B on record.**

16. The petition stands disposed of.

NEENA BANSAL KRISHNA, J

AUGUST 21, 2024/S.Sharma