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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CRL.M.C. 6624/2024 & CRL.M.A. 25277/2024

JATIN AND ORS.

.....Petitioners

Through: Mr. Hemant Singh and Mr. Sushant
Sagar, Advocates.

Versus

THE STATE NCT OF DELHI AND ANR

.....Respondents

Through: Mr. Hitesh Vali, APP for the State
with SI Kuldeep Singh, P.S. Sunlight
Colony.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

21.11.2024

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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. 0239/2024 dated 27.07.2024 registered under sections 110/115(2)/126(2)/74/76/78/79/351(3)/3(5) of the Bharatiya Nyaya Sanhita, 2023 ('BNS') at P.S.: Sunlight Colony, New Delhi.

2. At the outset, it is noticed that though there were 03 victims in the subject FIR, only 01 has been impleaded as a party-respondent in the present petition.
3. In view thereof, on an oral prayer made by learned counsel for the petitioners, the two other victims are also impleaded as party-respondents Nos. 3 & 4 in the matter. The memo of parties be taken as amended accordingly.



4. Pursuant to last order dated 30.08.2024, Mr. Hitesh Vali, learned APP appearing for the State has handed-up a copy of Status Report dated 19.11.2024, which confirms that the age of the victim was above 19 years as of the date of commission of the offence.
5. The status report is taken on record.
6. Furthermore, Mr. Vali has drawn attention to the MLCs of the 03 victims, which show that one of them had sustained a lacerated wound on the parietal region, which was approximately 04 cm in length, though the doctor has opined that injury to be 'simple'. It is also submitted that it was by reason of the lacerated wound on the head that the offence under section 110 BNS was added to the subject FIR.
7. Learned APP points-out that the genesis of the violence were offences relating to stalking and molestation, which are abhorrent to society.
8. Be that as it may, all 03 injures persons are present in court today. The court has interacted with them. They state that they have now settled the matter with the petitioners; and do not wish to pursue the case any further.
9. The petition is premised on Memorandum of Understanding (समझौताज्ञापन) dated 17.08.2024, whereby the petitioners and respondent Nos. 2 to 5 have resolved the matter amicably.
10. According to the memorandum of understanding, the petitioners had agreed to pay to the respondents a sum of Rs. 1,10,000/- as the settlement amount, of which Rs. 40,000/- had already been paid and the balance amount of Rs. 70,000/- has been paid by the petitioners to the respondents in court today.



11. The petition is also supported by affidavits of the petitioners as also of respondent No. 2, alongwith proof of their IDs.
12. The contesting parties are present in court. Their credentials have been verified and they have also been identified by their respective counsel.
13. 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.
14. However, considering the nature of the offences alleged, while allowing the petition, this court considers it appropriate that by way of atonement, the petitioners shall pay costs of Rs.25,000/- each to Friendicoes SECA, No.271 & 273, Defence Colony Flyover Market, Jungpura, New Delhi within 04 weeks. Petitioners are directed to place on record the proof of payment of costs within 02 weeks thereafter.
15. Subject to the aforesaid condition, FIR No. 0239/2024 dated 27.07.2024 registered under sections 110/115(2)/126(2)/74/76/78/79/351(3)/3(5) BNS at P.S.: Sunlight Colony, New Delhi is quashed. All proceedings arising therefrom also stand closed.



16. The Registry is directed to re-list the matter if costs are not paid as directed.
17. The petition stands disposed-of.
18. Pending applications, if any, also stand disposed-of.

ANUP JAIRAM BHAMBHANI, J

NOVEMBER 21, 2024
V.Rawat