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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(CRL) 2625/2024**
MALKIT SINGH & ANR.Petitioners
Through: Mr. Yashpal Jolly, Advocate.
versus
THE STATE OF NCT OF DELHI THROUGH STATION HOUSE
OFFICER PS TILAK NAGAR & ORS.Respondents
Through: Mr. Rahul Tyagi, ASC for the State
with Mr. Naseem Tabrez, Mr. Saleem
Hussain, Mr. Vaibhav Kashyap, Mr.
Ashish Mundhare and Mr. Abhishek
Tomar, Advocates with SI Sunil, P.S.:
Tilak Nagar.
Mr. Grisha Sharma, Advocates for R-
2 and R-3.

CORAM:
HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI
ORDER
% **29.08.2024**

CRL.M.A. 25690/2024 (exemption)

Exemption granted, subject to just exceptions.

The application stands disposed-of.

W.P.(CRL) 2625/2024

By way of the present petition filed under Article 226 of the Constitution of India read with section 528 of the Bharatiya Nagarik Suraksha Sanhita 2023, the petitioners seek quashing of case FIR No.308/2024 dated 30.05.2024 registered under sections 308/34 of the Indian Penal Code, 1860 ('IPC') at P.S.: Tilak Nagar, New Delhi.

2. The petition is supported by affidavits of the petitioners and of respondents Nos. 2 and 3, alongwith proofs of their I.D.s.



3. The contesting parties are present in court. Their credentials have been verified and they have also been identified by their respective counsel.
4. Though the offence alleged in the FIR is under section 308 of the IPC, learned ASC appearing for the State submits that the MLCs of the two injured persons, namely respondents Nos.2 and 3, show that as per the examining doctor, the injuries sustained by them were 'simple' and were the result of 'blunt force impact'.
5. The court has queried respondents Nos.2 and 3, who submit that though they were taken to hospital, they were discharged soon thereafter upon administering first-aid. They state that the incident was the result of a dispute between the petitioners and respondents Nos.2 and 3 in relation to a restaurant bill that was raised by the petitioners upon respondents Nos.2 and 3.
6. The parties jointly submit that they have now resolved the matter and have closed all issues amicably. Parties now wish to live in peace and harmony going forward.
7. Mr. Rahul Tyagi, learned ASC confirms that the State has no objection to the subject FIR being quashed.
8. 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.

9. While allowing the petition however, this court considers it appropriate, that by way of atonement, the petitioners shall pay costs of Rs.5,000/- *each* to Friendicoes SECA, No.271 & 273, Defence Colony Flyover Market, Jungpura, New Delhi within 02 weeks. Petitioners are directed to place on record proof of payment of costs within 01 week thereafter.
10. Subject to the aforesaid condition, FIR No.308/2024 dated 30.05.2024 registered under sections 308/34 of IPC at P.S.: Tilak Nagar, New Delhi is quashed. All proceedings arising therefrom also stand closed.
11. The Registry is directed to re-list the matter if costs are not paid as directed.
12. The petition stands disposed-of in the above terms.
13. Pending applications, if any, also stand disposed-of.

ANUP JAIRAM BHAMBHANI, J

AUGUST 29, 2024/ak