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

+ **CRL.M.C. 6798/2024**

ARUN KUMAR

.....Petitioner

Through: Ms. Rajshri, Advocate with petitioner
in court.

versus

STATE NCT OF DELHI AND ANR

.....Respondents

Through: Ms. Shubhi Gupta, APP for the State
with SI Mukesh Yadav, P.S.: Hari
Nagar.
Mr. Anirudh Yadav, Advocate for R2
via video-conferencing with R2 in
court.

+ **W.P.(CRL) 2654/2024**

ARUN KUMAR & ORS.

.....Petitioners

Through: Ms. Rajshri, Advocate with
petitioners in court.

versus

STATE NCT OF DELHI AND ANR.

.....Respondents

Through: Mr. Sanjeev Bhandari, ASC for the
State with Ms Charu Sharma, Mr.
Arjit Sharma, Mr. Vaibhav Vats and
Mr. Nikunj Bindal, Advocates.
Mr. Anirudh Yadav, Advocate for R2
via video-conferencing with R2 in
court.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

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30.08.2024

CRL.M.A. 25959/2024 in CRL.M.C. 6798/2024

CRL.M.A. 26089/2024 in W.P.(CRL) 2654/2024

Exemption granted, subject to just exceptions.

The applications stand disposed-of.



CRL. M.C. 6798/2024

W.P.(CRL) 2654/2024

By way of CRL.M.C. No. 6798/2024 filed under section 528 of the Bharatiya Nagarik Suraksha Sanhita 2023 ('BNSS'), the petitioner and complainant/respondent No. 2, seek quashing of case FIR No. 428/2018 dated 26.09.2018 registered under sections 323/354/509/34 of the Indian Penal Code, 1860 ('IPC') at P.S.: Hari Nagar, New Delhi. By way of the W.P.(CRL) No. 2654/2024 filed under Article 226 of the Constitution of India read with section 528 of the BNSS, the petitioners and complainant/respondent No. 2, seek quashing of case FIR No. 153/2024 dated 20.06.2024 registered under sections 420/468/471/506/120B IPC at P.S.: Sector 23 Dwarka, New Delhi.

2. Mr. Sanjeev Bhandari, learned ASC (Criminal) appearing on behalf of the State in W.P.(CRL) No. 2654/2024 submits, that the settlement between the parties appears to be premised on a Memorandum of Understanding dated 02.08.2024 ('MoU') signed between them which however purports to deal with partition of certain properties, ascertaining ownership and possession of the parties in relation thereto.
3. Learned ASC submits however, that there is nothing on record to evidence or confirm such ownership and possession; and the court may clarify that the quashing of the subject FIRs based on the settlement between the parties would not amount to confirmation of the title and/or possession of the properties referred to in the MoU.
4. The petitions are supported by affidavits of the contesting parties, alongwith proofs of their I.D.s.



5. The contesting parties in the subject FIRs are present in court. Their credentials have been verified and they have also been identified by their respective counsel.
6. The court has interacted with the parties, who submit that *dehors* the MoU signed between some of them, the parties are now agreed that the subject FIRs be quashed, since they wish to put an end to their family disputes and live peacefully going forward.
7. Ms. Shubhi Gupta, learned APP appearing for the State in CRL. M.C. No. 6798/2024 and Mr. Bhandari confirm that the State has no objection to the subject FIRs 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 FIRs 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. Accordingly, FIR No. 428/2018 dated 26.09.2018 registered under sections 323/354/509/34 IPC at P.S.: Hari Nagar, New Delhi; and FIR No. 153/2024 dated 20.06.2024 registered under sections 420/468/471/506/120B IPC at P.S.: Sector 23 Dwarka, New Delhi are quashed. All proceedings arising therefrom also stand closed.
10. However, it is made clear that nothing in this order should be taken as expression of any view by this court as to the validity or otherwise of



the title or ownership of the parties to the various properties as recited in the MoU.

11. Petitions stand disposed-of.
12. Pending applications, if any, also stand disposed-of.

ANUP JAIRAM BHAMBHANI, J

AUGUST 30, 2024
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