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

+ **CRL.M.C. 6839/2024**

VIKAS

.....Petitioner

Through: Counsel for petitioner (appearance
not given) with petitioner.

versus

STATE OF N.C.T.OF DELHI & ANR.

....Respondents

Through: Mr. Sanjeev Sabharwal, APP for the
State with SI Sursh Kr. Meena, PS
New Usman Pur.
Mr. Rambabu Sharma, Advocate for
the complainant with complainant.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

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30.08.2024

CRL.M.A. 26135/2024 (Exemption)

1. Exemption allowed, subject to all just exceptions.
2. The application stands disposed of.

CRL.M.C. 6839/2024

3. The Petition under Section 528 of Bhartiya Nagarik Suraksha Sanhita (*hereinafter referred to as 'B.N.S.S, 2023'*) read with Article 226 of the Constitution of India, has been filed on behalf of the petitioner seeking to quash the FIR No. 500/2018 dated 29.06.2018 for the offence under Sections 323/186/332/353/34 of the Indian Penal Code, 1860 (*hereinafter referred to as "IPC, 1860"*), registered at Police Station New Usmanpur and



the proceedings emanating therefrom.

4. Issue notice.

5. Mr. Sanjeev Sabharwal, learned APP appearing on advance notice, accepts notice on behalf of the State.

6. Brief facts of the case are that on 29.06.2018 at about 10:00 a.m., the petitioner and the respondent No.2, who is Conductor in DTC, was going on duty in the Bus bearing No. DL 1 PC 8377, route No. 227A from Karawal Nagar to Old Delhi Railway Station. When the said Bus reached at 5th Pusta then the petitioner demanded a ticket for Park and he gave Rs.10/- to the complainant but the petitioner started saying to the complainant that the ticket for Park is of Rs.5/-. Thereafter, the petitioner called the other boys and started abusing and beating the complainant with feet and blows then the passengers in the Bus separated them. The complainant received injuries. The petitioner restricted the complainant from doing the Government duty.

7. There were cross-FIRs registered. On 29.06.2018, on the complaint of the respondent No. 2, an FIR No. 500/2018 for the offence under Section 323/186/332/353/34 of IPC, has been registered at Police Station Usmanpur, Delhi. Cross FIR No. 501/2018 dated 08.08.2024 for the offence under Section 323/341/34 of the IPC, at Police Station New Usmanpur, Delhi, has already been compounded by the parties before the learned Metropolitan Magistrate as the offences were compoundable. The Charge-Sheet in FIR No. 500/2018 has been filed by the Investigating Officer.

8. Due to intervention of the respected persons of the society, the petitioner No. 1 and the respondent No. 2 have amicably settled all the disputes and differences between them and arrived at Settlement Deed dated 07.10.2023. It is settled between the parties in the Settlement Deed dated



07.10.2023 that both the parties shall be left with no claim against each other of any nature whatsoever and shall live without interference of each other and shall not file any litigation against each other in future pertaining to the above said FIRs.

9. In view of the Settlement Deed dated 07.10.2023, the present petition has been filed.

10. The parties are present before this Court in-person today, and have been identified by their counsel and Investigating Officer concerned. The parties have endorsed the amicable settlement and accepted the terms thereof voluntarily.

11. The parties have submitted that all the disputes have been amicably settled *vide* Settlement Deed dated 07.10.2023 and thus, no fruitful purpose will be served in continuing with the FIR.

12. The present petition has been signed by the petitioner and is supported by his affidavit. The parties have reaffirmed the terms of the settlement arrived at *vide* Settlement Deed dated 07.10.2023 and they also submit that the said Settlement Deed dated 07.10.2023 has been arrived at between the parties without any pressure and coercion.

13. Today, the respondent No. 2, who is present in the Court, state that he has no objection if the FIR is quashed.

14. In view of the above facts that the parties have amicably resolved their differences out of their own free will and without any coercion, 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.



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

16. Accordingly, FIR No. 500/2018 dated 29.06.2018 for the offence under Sections 323/186/332/353/34 of the Indian Penal Code, 1860 (*hereinafter referred to as “IPC, 1860”*), registered at Police Station New Usmanpur and all consequential proceedings emanating therefrom are quashed.

17. The Petition stands disposed of.

NEENA BANSAL KRISHNA, J

AUGUST 30, 2024/RS