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

+ **CRL.M.C. 6845/2024**

DAVENDER & ORS.

.....Petitioners

Through: Mr. Aditya Gaur, Advocate *via* video-conferencing.

versus

THE STATE OF NCT OF DELHI AND ORS.Respondents

Through: Ms. Shubhi Gupta, APP for the State.
IO/ASI Yogesh, P.S.: Lajpat Nagar.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

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02.09.2024

CRL.M.A. 26170/2024 (exemption)

Exemption granted, subject to just exceptions.

The application stands disposed-of.

CRL. M.C. 6845/2024

By way of the present petition filed under section 482 of the Code of Criminal Procedure 1973 ('Cr.P.C.'), the petitioners seek quashing of case FIR No.19/2021 dated 14.01.2021 registered under sections 365/323/341/342/427/506/34 of the Indian Penal Code, 1860 ('IPC') at P.S.: Lajpat Nagar, New Delhi.

2. Though the present petition has been filed under the provisions of the Cr.P.C., in the opinion of this court, on a plain but meaningful reading of section 531(2)(a) of the Bharatiya Nagarik Suraksha Sanhita 2023 ('BNSS'), proceedings are to be "*disposed of, continued, held or made*" in accordance with the Cr.P.C. *only* in cases where ***such proceedings***, viz. "*any appeal, application, trial, inquiry or investigation*", were already ***pending*** immediately before the date on



which the BNSS came into force, *i.e.*, 01.07.2024. It appears therefore, that while inserting the repeal and savings provision in section 531 of the BNSS, the intention of Parliament was to not disrupt on-going proceedings; and to therefore not change the governing law during the pendency of such proceedings.

3. Since the present petition is a fresh proceeding and has been *filed after 01.07.2024*, in the opinion of this court, the present petition ought to have been filed under the BNSS. Be that as it may, in order to obviate any unnecessary delay, the present petition is treated as one under section 528 of the BNSS.
4. The petition is premised on Memorandum of Understanding ('MoU') dated 16.05.2024, whereby the petitioners and respondents Nos.2 & 3 have resolved the matter amicably.
5. The petition is also supported by affidavits of the petitioners and of respondents Nos. 2& 3, alongwith proof of their I.D.s.
6. The contesting parties are present in court. Their credentials have been verified and they have also been identified by their respective counsel.
7. The court has interacted with the petitioners, as also with respondents Nos.2 & 3, who have confirmed that they have now resolved the matter and an MoU dated 16.05.2024 has been signed by them closing all issues amicably. Parties now wish to live in peace and harmony going forward.
8. Ms. Shubhi Gupta, learned APP confirms that the State has no objection to the subject FIR being quashed.



9. 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.
10. While allowing the petition however, this court considers it appropriate, that by way of atonement, the petitioners shall pay costs of Rs.30,000/- (Rs.10,000/- each) to respondents Nos.2 & 3 within 02 weeks. Petitioners are directed to place on record the proof of payment of costs within 01 week thereafter.
11. Subject to the aforesaid condition, FIR No.19/2021 dated 14.01.2021 registered under sections 365/323/341/342/427/506/34 of the IPC at P.S.: Lajpat Nagar, New Delhi is quashed. All proceedings arising therefrom also stand closed.
12. The Registry is directed to re-list the matter if costs are not paid as directed.
13. The petition stands disposed-of in the above terms.
14. Pending applications, if any, also stand disposed-of.

ANUP JAIRAM BHAMBHANI, J

SEPTEMBER 2, 2024

V.Rawat