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

+ **CRL.M.C. 7055/2024**

SURENDER KUMAR & ORS.Petitioners

Through: Counsel (appearance not given).

versus

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

Through: Mr. Tarang Srivastva, APP for the
State with SI Yashpal Singh, P.S.:
Farsh Bazar.

Mr. H. S. Gulati, Advocate *via* video-
conferencing for R2 and R2 in court.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

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06.09.2024

CRL.M.A. 26954/2024

Exemption granted, subject to just exceptions.

The application stands disposed of.

CRL.M.C. 7055/2024

By way of the present petition filed under section 528 of the Bharatiya Nagarik Suraksha Sanhita 2023, the petitioners and complainant/respondent No. 2, seek quashing of case FIR No. 116/2012 dated 11.04.2012 registered under sections 448/34 of the Indian Penal Code, 1860 ('IPC') at P.S.: Frash Bajar, Delhi. Consequent upon completion of investigation, *vide* chargesheet dated 09.12.2014, section 456 IPC has been added.

2. The petition is premised on Compromise Deed dated 14.08.2024, whereby the petitioners and respondent No. 2 have resolved the matter amicably.



3. The petition is also supported by affidavits of the petitioners and of respondent No. 2, alongwith proofs of their I.D.s.
4. The contesting parties are present in court. Their credentials have been verified and they have also been identified by their respective counsel.
5. The court has interacted with the petitioners, as also with respondent No.2, who have confirmed that they have now resolved the matter and a Compromise Deed dated 14.08.2024 has been signed by them closing all issues amicably. Parties now wish to live in peace and harmony going forward.
6. Mr. Tarang Srivastva, learned APP confirms that the State has no objection to the subject FIR being quashed.
7. 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.
8. While allowing the petition however, this court considers it appropriate, that by way of atonement, *each* of the petitioners shall pay costs of Rs.5,000/- to Friendicoes SECA, No.271 & 273, Defence Colony Flyover Market, Jungpura, New Delhi, within 02 weeks.



9. Subject to the aforesaid condition, case FIR No. 116/2012 dated 11.04.2012 registered under sections 448/34 IPC at P.S.: Frash Bajar, Delhi is quashed. All proceedings arising therefrom also stand closed.
10. Petitioners are directed to place on record the proof of payment of costs, within 01 week thereafter.
11. The Registry is directed to re-list the matter if costs are not paid as directed.
12. The petition stands disposed-of.
13. Pending applications, if any, also stand disposed-of.

ANUP JAIRAM BHAMBHANI, J

SEPTEMBER 6, 2024

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