



\$~68

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

+ **CRL.M.C. 6110/2024**

MITHLESH THAKUR & ORS.

.....Petitioners

Through: Mr. R.K. Gupta, Advocate.

versus

THE STATE OF DELHI & ORS.

.....Respondents

Through: Mr. Utkarsh, APP for the State with
ASI Raghuraj Singh, P.S.: Sangam
Vihar.

Mr. M.C. Sharma, Advocate.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

%

07.08.2024

CRL.M.A. 23379/2024 (exemption)

Exemption granted, subject to just exceptions.

The application stands disposed-of.

CRL.M.A. 23380/2024 (for condonation of delay)

By way of the present application filed under section 482 of the Code of Criminal Procedure 1973 ('Cr.P.C.'), the appellant seeks condonation of about 480 days' delay in *re-filing* the petition.

2. For the reasons stated in the application, which is not opposed, the delay is condoned.
3. The application is allowed.
4. The petition is taken on Board.
5. The application stands disposed of.



CRL.M.C. 6110/2024

6. By way of the present petition filed under section 482 of the Cr.P.C., the petitioners seek quashing of case FIR No. 230/2014 dated 18.04.2014 registered under sections 323/341/34 of the Indian Penal Code, 1860 ('IPC') at P.S.: Sangam Vihar, New Delhi.
7. Issue notice.
8. Mr. Utkarsh, learned APP and Mr. M.C. Sharma, learned counsel are present on behalf of the State and of the private respondents respectively on advance copy; and accept notice.
9. Learned counsel appearing for respondents Nos.2 and 3 submits, that the complainant has since passed away, and therefore her son and daughter have been arrayed as respondents Nos. 2 and 3 respectively, for the purpose of quashing the present FIR.
10. The petition is also supported by affidavits of all the petitioners and of respondents Nos.2 and 3.
11. Petitioners Nos. 1 to 4 and respondents Nos.2 and 3 are present in court. Their credentials have been verified and they have also been identified by their respective counsel.
12. Petitioner No.5 is not present in court. Learned counsel appearing for the petitioners explains that though the said petitioner has been joined as a co-petitioner, he was not sent-up for trial and was put-in Column No.12 in the charge-sheet.
13. The court has interacted with petitioners Nos.1 to 4 as also with respondents Nos.2 and 3, who have confirmed that they have now resolved the matter thereby closing all issues amicably. Parties now wish to live in peace and harmony going forward.



14. Mr. Utkarsh, learned APP confirms that the State has no objection to the subject FIR being quashed.
15. 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, and considering the nature of the offences allegedly committed against the victim, 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.
16. Accordingly, FIR No.230/2014 dated 18.04.2014 registered under sections 323/341/34 of the IPC at P.S.: Sangam Vihar, New Delhi is quashed. All proceedings arising therefrom also stand closed.
17. Petition stands disposed-of.
18. Pending applications, if any, also stand disposed-of.

ANUP JAIRAM BHAMBHANI, J

AUGUST 7, 2024/ak