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

+ **CRL.M.C. 7177/2024**

MUBARIK

.....Petitioner

Through: Mr. Muqem A. and Mr. Aaga Khan,
Advocates.
Petitioner in-person.

versus

STATE NCT OF DELHI AND ANRRespondents

Through: Mr. Tarang Srivastava, APP for the
State with SI Akashay Dagar, P.S.:
Shaheen Bagh.
Mr. Ismail, Advocate for R-2.
R-2 in-person.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

10.09.2024

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CRL.M.A. 27407/2024 (exemption)

Exemption granted, subject to just exceptions.

Let requisite compliances be made within 01 week.

The application stands disposed-of.

CRL.M.C. 7177/2024

By way of the present petition filed under section 528 of the Bharatiya Nagarik Suraksha Sanhita 2023, the petitioner seeks quashing of case FIR No. 0143/2023 dated 15.04.2023 registered under sections 324/326-A of the Indian Penal Code, 1860 ('IPC') at P.S.: Shaheen Bagh, Delhi ('subject FIR'). Consequent upon



completion of investigation, an allegation under section 323 IPC has also been added *vide* chargesheet dated 12.06.2023.

2. The petition is premised on Memorandum of Understanding/Deed of Settlement dated 17.08.2024 ('MoU'), whereby the petitioner and respondent No. 2 have resolved the matter amicably.
3. The petition is also supported by affidavits of the petitioner and of respondent No. 2, alongwith proof of their I.D.s.
4. The petitioner and respondent No.2 are present in court. Their credentials have been verified and they have also been identified by the Investigating Officer and by their respective counsel.
5. The court has interacted with respondent No.2, as also with the petitioner, who have confirmed that they have now resolved the matter and an MoU has been signed by them closing all issues amicably. Parties now wish to live in peace and harmony going forward.
6. The record shows that *vide* order dated 08.08.2023 passed by the learned Principal Magistrate, Juvenile Justice Board, Delhi Gate, New Delhi, co-accused 'A' who was previously declared as a child-in-conflict-with-the-law; has already been advised and admonished for his involvement in the subject FIR.
7. Mr. Tarang Srivastava, learned APP confirms that the State has no objection to the subject FIR 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 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.

9. Accordingly, FIR No. 0143/2023 dated 15.04.2023 registered under sections 324/326(A) IPC at P.S.: Shaheen Bagh, Delhi is quashed. All proceedings arising therefrom also stand closed.
10. Petition stands disposed-of.
11. Pending applications, if any, also stand disposed-of.

ANUP JAIRAM BHAMBHANI, J

SEPTEMBER 10, 2024/ak