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

+ CRL.M.C. 7239/2024

ANIKET @VENKI @ T. VENKATESH & ORS.Petitioners

Through: Mr. K. S. Choudhary, Advocate.
Petitioners Nos. 1 to 4 and 6 in court.
Petitioner No.7 via video-conferencing.

versus

THE STATE NCT OF DELHI & ORS.Respondents

Through: Mr. Utkarsh, APP for the State with
SI Ved Prakash, P.S.: Ambedkar
Nagar.
Respondents Nos. 2 to 6 in court.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

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12.09.2024

CRL.M.A. 27651/2024

Exemption granted, subject to just exceptions.

The application stands disposed-of.

CRL.M.A. 27652/2024

By way of the present application filed under section 482 of the Code of Criminal Procedure 1973 ('Cr.P.C.'), the petitioner seeks condonation of 60 days' delay in *re-filing* the petition.

2. For the reasons stated in the application, which is duly supported by an affidavit, the application is allowed.
3. Delay in *re-filing* the petition is condoned.
4. The petition is taken on Board.
5. The application stands disposed-of.



CRL. M.C. 7239/2024

6. By way of the present petition filed under section 482 of the Cr.P.C., the petitioners seek quashing of case FIR No.452/2022 dated 31.08.2022 registered under sections 308/34 of the Indian Penal Code, 1860 ('IPC') at P.S.: Ambedkar Nagar, South Delhi. Consequent upon completion of investigation, charge-sheet dated 21.08.2023 has been filed in the matter.
7. The petition is premised on Memorandum of Understanding dated 26.05.2024, whereby the petitioners and respondents Nos.2 to 6 have resolved the matter amicably.
8. The petition is also supported by affidavits of the petitioners, as well as of respondent Nos. 2 to 6, alongwith proof of their I.D.s.
9. Petitioners Nos.1 to 4 and 6 and respondents Nos. 2 to 6 are present in court. Petitioner No.7 has joined the proceedings *via* video-conferencing. Their credentials have been verified and they have also been identified by their respective counsel. Petitioner No.5 is not present today since he is stated to be in Rajasthan.
10. Learned counsel appearing for the petitioners submits, that other things apart, a cross-FIR bearing No.462/2022 dated 03.09.2022 was also registered under sections 308/34 IPC by the private respondents at P.S.: Ambedkar Nagar, Delhi arising from the same incident; which FIR has been quashed by a Co-ordinate Bench of this court *vide* order dated 15.07.2024 passed in CRL.M.C. No.5333/2024 titled ***Vinod Bhadana & Ors. vs. The State NCT of Delhi & Ors.***
11. Counsel submits that the incident had arisen from a monetary dispute between the parties, who have now befriended each other, and all



disputes between them have now been resolved *vide* Memorandum of Understanding dated 26.05.2024.

12. The court has interacted with respondents Nos.2 to 6, as also with petitioners Nos.1 to 4, 6 and 7, who have confirmed that they have now resolved the matter and a Memorandum of Understanding dated 26.05.2024 has been signed by them closing all issues amicably. Parties now wish to live in peace and harmony going forward.
13. Mr. Utkarsh, learned APP confirms that the State has no objection to the subject FIR being quashed.
14. 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.
15. It is noticed however that in CRL.M.C. No. 5333/2024, while quashing the cross-FIR and disposing-of the said petition, the Co-ordinate Bench had imposed costs of Rs.25,000/- *each* upon the petitioners in that case; which parties are the private respondents in the present matter.
16. In view of the above, while allowing the present petition, this court considers it appropriate that by way of atonement, the petitioners shall pay costs of Rs.25,000/- *each* to Friendicoes SECA, No.271 & 273,



Defence Colony Flyover Market, Jungpura, New Delhi within 04 weeks.

17. Subject to the aforesaid condition, FIR No.452/2022 dated 31.08.2022 registered under sections 308/34 of the IPC at P.S.: Ambedkar Nagar, South Delhi is quashed. All proceedings arising therefrom also stand closed.
18. Petitioners are directed to place on record the proof of payment of costs, within 01 week thereafter.
19. The Registry is directed to re-list the matter if costs are not paid as directed.
20. The petition stands disposed-of.
21. Pending applications, if any, also stand disposed-of.

ANUP JAIRAM BHAMBHANI, J

SEPTEMBER 12, 2024

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