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

+ **W.P.(CRL) 2830/2024**

SARITA DEVI & ANR.

.....Petitioners

Through: Mr. Jitendra Rawal (D/3753/2016)
Advocate with Petitioners-in-person.

versus

THE STATE OF NCT OF DELHI & ORS.

.....Respondents

Through: Mr. Sanjay Lao, Standing Counsel for
the State with Ms. Priyam Aggarwal,
Advocate.

Ms. Himanshi Singh (D/686/2024),
Advocate for R-2 and 3 with
Respondents-in-person

ASI Subhash (5185/OD), PS Nihal
Vihar.

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

12.09.2024

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1. The Petitioners have approached this Court for quashing of FIR No.1006/2024 dated 20.08.2024 registered at Police Station Nihar Vihar for offences under Sections 115(2), 79, 76, 351(2), 324(4), 3(5) of BNS on the ground that the parties have entered into an amicable settlement.

2. It is stated that it is a landlord-tenant dispute and cross-FIRs have been filed by the parties against each other. The Petitioners have primarily approached this Court for quashing of the FIR on the ground that the parties have entered into a Settlement Deed dated 28.08.2024. A copy of Settlement Deed dated 28.08.2024 has been annexed with the instant petition as



Annexure P-2. The relevant portion of the settlement deed entered into between the parties reads as under:-

“Whereas the first parties are the victims/injured in case FIR No.1007/2024 U/s 115(2)/126(2)/79/351(1)/74/3(5) BNS, P.S. Nihal Vihar, New Delhi.

Prior to this incident there is relation of tenant and landlord. The quarrel between both the parties has done on minor issue and thereafter both the parties have sustained injuries and Present FIR No.1007/2024 has been registered against Second Party and after registration of FIR bearing No.1006/2024 U/S 115(2)/79/76/351(2)/324(4)/3(5) BNS registered against the First Party. That both party has sustained soft tissue injuries and they have gone to the hospital and after treatment discharge from the hospital on the same day.

And whereas both the parties are residing in the same locality and male member of each side working in railways and well known to each other as such with the intervention of respectable persons of the locality and common friend the dispute between the parties have been resolved both the parties have entered into the present settlement.

And whereas the victims cooperate to the accused to quash the FIR and the victims insure to the accused to be available before the Hon'ble High Court of Delhi or any other court as and when required.

And whereas the second party insured to the first party that they will never quarrel with the first party and maintain the harmonious relation with each other.



And whereas the victims and the accused have sign this Settlement with full consent and after understood the fact and terms and condition mentioned in this settlement without any fear, coercion, threat, pressure of any kind whatsoever. ”

3. The Petitioners and the Complainant/Respondents are present in Court today. The parties have been identified by their respective Counsels and the Investigating Officer. The Complainant/Respondents state that they have settled all their disputes with the Petitioners out of their own free will, without pressure, coercion or undue influence and do not want to pursue the present case any further. They request that the present FIR and the proceedings emanating therefrom may be quashed. The parties undertake that they will remain bound by the terms of the settlement arrived at between them and the proceedings recorded before this Court.

4. In view of the law laid down by the Supreme Court in Gian Singh vs. State of Punjab, (2012) 10 SCC 303, and in view of the settlement arrived at between the parties and since the parties are residents of the same locality, this Court is of the opinion that no useful purpose would be served in continuing with the present proceedings. Resultantly, the FIR No.1006/2024 dated 20.08.2024 registered at Police Station Nihar Vihar for offences under Sections 115(2), 79, 76, 351(2), 324(4), 3(5) of BNS and the proceedings emanating therefrom are hereby quashed. The parties shall remain bound by the terms of the settlement and the undertaking given to the Court.

5. Since precious judicial time and the time of the Police have been wasted, this Court is inclined to impose costs of Rs.10,000/- each on the Petitioners so that the Petitioners do not repeat such offences in future. Accordingly, the Petitioners are directed to deposit a sum of Rs.10,000/-



with the *Armed Forces Battle Casualties Welfare Fund* within four weeks from today. A copy of the receipt be given to the Investigating Officer and also be filed with the Registry of this Court to show compliance of the order within four weeks thereafter.

6. With the above directions, the petition is disposed of along with all the pending application(s), if any.

SUBRAMONIUM PRASAD, J

SEPTEMBER 12, 2024

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