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

+ **CRL.M.C. 7530/2024 & CRL.M.A. 28746/2024**

MAJID KHAN KARIKATTI & ANR.

.....Petitioners

Through: Mr. Sahil Yadav and Mr. Lakshya
Dheer, Advocates

versus

STATE OF NCT OF DELHI & ANR.

.....Respondents

Through: Mr. Utkarsh, APP for the State with
Insp. Lalit Kumar, DIU/Sd and SI
Saurabh, P.S. Neb Sarai.
Mr. Ashim Vachher, Mr. Vaibhav
Dabas, Mr. Kunal Laksa,

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

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27.09.2024

CRL.M.A. 28745/2024 (exemption)

Exemption granted, subject to just exceptions.

The application stands disposed-of.

CRL.M.C. 7530/2024

By way of the present petition filed under section 482 of the Code of Criminal Procedure 1973 ('Cr.P.C.') read with Article 227 of the Constitution of India, the petitioners seek quashing of case FIR No.360/2021 dated 27.08.2021 registered under sections 420/468/471/506/509 of the Indian Penal Code, 1860 ('IPC') at P.S.: Neb Sarai, New Delhi.

2. Though the present petition has been filed under the provisions of the Cr.P.C., in the opinion of this court, on a plain but meaningful reading of section 531(2)(a) of the Bharatiya Nagarik Suraksha Sanhita 2023 ('BNSS'), proceedings are to be "*disposed of, continued, held or*



made” in accordance with the Cr.P.C. *only* in cases where *such proceedings*, viz. “any appeal, application, trial, inquiry or investigation”, were already *pending* immediately before the date on which the BNSS came into force, *i.e.*, 01.07.2024. It appears therefore, that while inserting the repeal and savings provision in section 531 of the BNSS, the intention of Parliament was to not disrupt on-going proceedings; and to therefore not change the governing law during the pendency of such proceedings.

3. Since the present petition is a fresh proceeding and has been *filed after 01.07.2024*, in the opinion of this court, the present petition ought to have been filed under the BNSS. Be that as it may, in order to obviate any unnecessary delay, the present petition is treated as one under section 528 of the BNSS.
4. The petition is premised on Settlement Agreement dated 07.04.2024, whereby petitioner No.1 and respondent No.2 have resolved the matter amicably.
5. The petition is supported by affidavits of the petitioners, alongwith proof of their I.D.s.
6. The contesting parties have joined *via* video-conferencing. Their credentials have been verified and they have also been identified by their respective counsel and by the Investigating Officer.
7. The court has interacted with respondent No.2, as also with the petitioners, who have confirmed that they have now resolved the matter and a Settlement Agreement dated 07.04.2024 has been signed by them closing all issues amicably. Parties now wish to live in peace and harmony going forward.



8. Mr. Utkarsh, learned APP confirms that the State has no objection to the subject FIR being quashed.
9. 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.
10. Accordingly, case FIR No.360/2021 dated 27.08.2021 registered under sections 420/468/471/506/509 of the IPC at P.S.: Neb Sarai, New Delhi is quashed. All proceedings arising therefrom also stand closed.
11. Petition stands disposed-of.
12. Pending applications, if any, also stand disposed-of.

ANUP JAIRAM BHAMBHANI, J

SEPTEMBER 27, 2024/ak