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

+ **CRL.M.C. 7735/2024**

RAM RAHISH & ORS.

.....Petitioners

Through: Mr. Raja Panda, Mr. Vipin Kr. Pal
and Ms. Rasmita Kumari Devi,
Advocates.

versus

STATE OF NCT OF DELHI & ORS.

.....Respondents

Through: Mr. Hitesh Vali, APP for the State
with ASI Raghuraj Singh, P.S.:
Sangam Vihar.
Mr. Akash Bansal, Advocate for R-2
and R-3 with R-2 and R-3 in-person.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

30.09.2024

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CRL.M.A. 29517/2024 (exemption)

Exemption granted, subject to just exceptions.

The application stands disposed-of.

CRL.M.C. 7735/2024

By way of the present petition filed under section 482 of the Code of Criminal Procedure 1973, the petitioners seek quashing of case FIR No. 712/2016 dated 31.12.2016 registered under sections 308/34 of the Indian Penal Code, 1860 ('IPC') at P.S.: Sangam Vihar (South East), Delhi.



2. The petition is premised on Settlement Deed/Memorandum of Understanding dated 11.09.2024, whereby the petitioners and respondents Nos. 2 and 3 have resolved the matter amicably.
3. The petition is also supported by affidavits of the petitioners and of respondents Nos. 2 and 3, alongwith proof of their I.D.s.
4. The contesting parties are present in court. Their credentials have been verified and they have also been identified by their respective counsel.
5. The court has interacted with the respondents Nos.2 and 3, as also with petitioners, who have confirmed that they have now resolved the matter and a Settlement Deed/Memorandum of Understanding dated 11.09.2024 has been signed by them closing all issues amicably. Parties now wish to live in peace and harmony going forward.
6. Mr. Hitesh Vali, learned APP confirms that the State has no objection to the subject FIR being quashed.
7. 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.
8. Though the petitioners have been charged under sections 308/34 of IPC, a perusal of the MLCs of the injured persons shows that the



injuries were 'simple'. Parties are stated to be neighbours. Respondents Nos.2 and 3 submit that in an act of good neighbourliness, they do not wish to pursue any further proceedings in the FIR.

9. However, considering the facts and circumstances of the case, quashing of the subject FIR shall be subject to the petitioners paying costs of Rs. 5,000/- *each* to the '*Very Special Arts India*', Plot No. 3 Institutional Area, Nelson Mandela Marg, Vasant Kunj, New Delhi, within 04 weeks.
10. Subject to the aforesaid condition, FIR No. 712/2016 dated 31.12.2016 registered under sections 308/34 IPC at P.S.: Sangam Vihar (South East), Delhi is quashed. All proceedings arising therefrom also stand closed.
11. Proof of payment of costs be placed on record within 01 week thereafter.
12. The Registry is directed to verify compliance; and to bring to the notice of this court any default in respect thereof.
13. Petition stands disposed-of.
14. Pending applications, if any, also stand disposed-of.

ANUP JAIRAM BHAMBHANI, J

SEPTEMBER 30, 2024/ak