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

+ **CRL.M.C. 7800/2024**

KASHIF MALIK & ORS.

.....Petitioners

Through: Mr. Faheem Alam, Advocate along
with petitioners in person.

versus

THE STATE GOVT OF NCT OF DELHI & ORS.Respondents

Through: Mr. Raghuinder Verma, APP for the
State with SI Sanjeet Rathee along
with respondents no. 3 to 6 in person

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

25.10.2024

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1. The instant petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter "BNSS") [(Earlier Section 482 of the Code of Criminal Procedure, 1973 (hereinafter "Cr.P.C.")] has been filed by the petitioners praying for quashing of FIR bearing No. 0222/2024 dated 9th April, 2024 registered at Police Station Malviya Nagar, District South, New Delhi for the offences punishable under Sections 323/341/308/34 of the Indian Penal Code, 1860 (hereinafter "IPC").

2. Briefly stated, the present FIR has been filed on the basis of the statement of the respondent No. 5 and the same is arising out of an altercation that took place on 7th April, 2024 between the parties wherein



both the parties sustained injuries in the said incident which led to the registration of the aforesaid FIR against the petitioners on 9th April, 2024.

3. Pursuant to the aforesaid, the cross FIR No. 235/2024 under Sections 323/341/34 of the IPC was registered against the respondents No. 3 to 6 and other family members by the petitioner No.1.

4. With the intervention of common relatives, well-wishers, family members and friends, the parties have amicably resolved all the disputes and the petitioners and respondents no. 3 to 6 entered into a settlement *vide* Compromise Deed dated 17th September, 2024. The terms and conditions of the said settlement are mentioned in the Compromise Deed dated 17th September, 2024 which is annexed as Annexure-P-3 to the petition.

5. It is, therefore, prayed that the instant FIR be quashed on the basis of Compromise Deed dated 17th September, 2024 and as per the judgments of the Hon'ble Supreme Court passed in ***Gian Singh vs. State of Punjab, (2012) 10 SCC 303***.

6. Learned APP for the State submitted that there is no opposition to the prayer made on behalf of the petitioners seeking quashing of the FIR in question in view of the settlement arrived at between the parties.

7. Heard learned counsel for the parties and perused the record.

8. In the instant case, as stated above, the parties have reached on the compromise and amicably settled the entire disputes without any pressure. It is also noted that the parties are relatives and are also residing in the same locality, i.e., Saitri Nagar, Malvia Nagar, New Delhi.

9. The petitioners are present before this Court and have been identified by their counsel, Mr. Faheem Alam, Advocate and Investigating Officer SI Sanjeet Rathee, Police Station Malviya Nagar, District South, New Delhi.



The respondents No. 3 to 6 are also present in the Court and have been identified the Investigating Officer.

10. On the query made by this Court, respondents No. 3 to 6 has categorically stated that they have entered into compromise on their own free will and without any pressure. It is also stated by respondents No. 3 to 6 that the entire dispute has been amicably settled between the parties and they do not wish to pursue with the matter further. The parties also undertook that they shall abide the terms and conditions of the Compromise Deed dated 17th September, 2024 arrived at between the parties.

11. In view of the settlement arrived at between the parties and the law laid down by the Hon'ble Supreme Court, the present petition is allowed. Accordingly, FIR bearing No. 0222/2024 registered at Police Station Malviya Nagar, District South, New Delhi for offences punishable under Sections 323/341/308/34 of the IPC and all consequential proceedings emanating therefrom are quashed subject to the deposition of the cost of Rs. 10,000/- in the account of Army Central Welfare Fund, Saving Account no. 520101236373338 (IFSC- UBIN0530778), Bank Name- Union Bank of India, Branch- Chandni Chowk, Delhi – 110006 within a period of two weeks. The receipt to the payment of the aforesaid cost shall be furnished before the Registry as well as the IO of this Court within two weeks.

12. The petition alongwith pending applications, if any, stand disposed of.

CHANDRA DHARI SINGH, J

OCTOBER 25, 2024
gs/sm

Click here to check corrigendum, if any