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

+ **W.P.(CRL) 3097/2024 & CRL.M.A. 29966/2024**

MS. SALMA @ SALMA SAIFI & ANR.Petitioner

Through: **Mr. Darshan Singh, Advocate.**

versus

THE STATE (GOVT. OF NCT OF DELHI) & ANRRespondent

Through: **Mr. Sanjeev Bhandari, ASC with SI
Dinesh (Mobile No.7838916042)**

**Head Constable Manish (Mobile
No.8010602148)**

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

04.10.2024

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1. The instant petition under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973 (currently under Section 528 of the Bhartiya Nagarik Suraksha Sanhita, 2023) has been filed by the petitioner praying for quashing of FIR bearing No. 495/2014 dated 20th May, 2014 registered at Police Station-Nand Nagri, for offences punishable under Sections 406/506/34 of the Indian Penal Code, 1860 (hereinafter "IPC").

2. The petitioners are present before this Court and have been identified by their counsel Mr. Darshan Singh and the Investigating Officer. The respondent No.2/complainant is also present in the Court and has been identified by the Investigating Officer.



3. On the query made by this Court, respondent no.2/complainant has categorically stated that pursuant to the mediation settlement dated 12th May, 2015, she has settled the matter on her own free will and without any pressure. It is also stated by respondent No.2 that the entire dispute has been amicably settled between the parties.

4. The brief facts of the case are that pursuant to the complaint/statement of respondent no.2, the aforesaid FIR was registered at Police Station-Nand Nagri. The petitioner no.1 had filed a civil suit for partition, possession and permanent injunction against the respondent no.2 herein and her other family members. During the pendency of the said civil suit, the parties were referred to mediation and pursuant to the Mediation Settlement dated 12.05.2015, the petitioner no.1 withdrew the said civil suit. As per the terms of the Mediation Settlement dated 12th May, 2015, which is annexed at Annexure P-3 with the instant petition, it has been agreed that petitioner no.1 shall handover the original documents of the property in question to respondent no.2 at the time of quashing of the aforesaid FIR.

5. The original documents of the property have been handed over by the petitioners to respondent no.2 today in Court, which are verified by the Investigating Officer as well as the respondent no. 2 and found the same to be correct.

6. It is prayed by the learned counsel appearing on behalf of the parties that the instant FIR may be quashed on the basis of the Mediation Settlement dated 12th May, 2015 and as per the Judgment of the Hon'ble Supreme Court passed in ***Gian Singh vs. State of Punjab, (2012) 10 SCC 303*** and ***Parbathbhai Aahir @ Parbathbai vs. State of Gujarat, (2017) 9 SCC 641***. At this juncture, the petitioners appearing in-person also



undertake not to repeat the same conduct in the future.

7. *Per contra*, Mr. Sanjeev Bhandari, learned ASC appearing for the State submitted that he has no objection in case this Court is inclined to allow the instant petition and quash the FIR in question in view of the Mediation Settlement arrived at between the parties.

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

9. Keeping in view that the parties herein have settled the matter as well as undertaking given by the petitioners, no useful purpose would be served by keeping the matter pending. Hence, FIR bearing No. 495/2014 dated 20th May, 2014 registered at Police Station-Nand Nagri, for offences punishable under Sections 406/506/34 of the IPC and consequent proceedings emanating therefrom are quashed. Respondent no.2 is at liberty to call the Investigating Officer, SI Dinesh (Mobile No.7838916042) in case any assistance is required. The Beat Officer of the area i.e., Head Constable Manish (Mobile No.8010602148) shall visit the residence of respondent no.2 once in a week to ensure welfare of respondent no.2.

10. The petition stands disposed of.

CHANDRA DHARI SINGH, J

OCTOBER 4, 2024
NA/mk

Click here to check corrigendum, if any