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

+ CRL.M.C. 8043/2024

MOHD MOHSIN & ORS.

.....Petitioners

Through: Mr. Javed Khan, Advocate with
petitioners in court.

versus

THE STATE GOVT. OF N.C.T. DELHI & ANR.Respondents

Through: Ms. Shubhi Gupta, APP for the State.
Mr. Saif Ali with Mohd. Uwaiz,
Advocates for R2 with R2 in court.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

% **09.10.2024**

CRL.M.A. 30736/2024

Exemption granted, subject to just exceptions.

The application stands disposed-of.

CRL.M.C. 8043/2024

By way of the present petition filed under section 528 of the Bharatiya Nagarik Suraksha Sanhita 2023, the petitioners and complainant/respondent No. 2, seek quashing of case FIR No. 129/2013 dated 05.08.2013 registered under sections 354/354(D)/509 of the Indian Penal Code, 1860 ('IPC') at P.S.: Sadar Bazar, Delhi.

2. The petition is premised on Affidavit dated 26.09.2024, whereby the petitioners and respondent No. 2 have resolved the matter amicably.
3. The petition is also supported by affidavits of the petitioners and of respondent No. 2, alongwith proof of their IDs.



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 respondent No.2, as also with petitioners, who have confirmed that they have now resolved the matter. Parties now wish to live in peace and harmony going forward.
6. Ms. Shubhi Gupta, learned APP appearing for the State points-out that though not named as a complainant in FIR, the husband of respondent No.2 was also present when the incident occurred and to that extent, he is also a victim.
7. However, learned APP confirms that the State has no objection to the subject FIR being quashed.
8. 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.
9. Accordingly, case FIR No. 129/2013 dated 05.08.2013 registered under sections 354/354(D)/509 IPC at P.S.: Sadar Bazar, Delhi is quashed. All proceedings arising therefrom also stand closed.
10. A perusal of the FIR shows that actions on the part of the petitioners were completely egregious and unprovoked and therefore, even



though the court is agreeable to quash the FIR by reason of the statement made by the complainant/respondent No.2, the petition shall be allowed *subject to* the petitioners paying costs of Rs. 15,000/- *each* to the 'Very Special Arts India', Plot No. 3 Institutional Area, Nelson Mandela Marg, Vasant Kunj, New Delhi, within 04 weeks. Proof of payment of costs be placed on record within 01 week thereafter.

11. The Registry is directed to verify compliance; and to bring to the notice of this court any default in respect thereof.
12. Petition stands disposed-of.
13. Pending applications, if any, also stand disposed-of.

ANUP JAIRAM BHAMBHANI, J

OCTOBER 9, 2024
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