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

+ **CRL.M.C. 8053/2024**

VIPIN GAUD

.....Petitioner

Through: Counsel (Appearance not given)
Petitioner in person.

versus

STATE NCT OF DELHI THROUGH SHO DABRIRespondent

Through: Mr. Sanjeev Sabharwal, APP for the
State with Ms. Samya Narula,
Advocate.
Insp. Anil Kumar, P.S.: Patel Nagar
and SI Sandeep, P.S.: Dabri.
Ms. Anjali with Mr. Rohit, Advocates
for the complaint with the
complainant.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

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14.10.2024

CRL.M.A. 30779/2024

Exemption granted, subject to just exceptions.

The application stands disposed-of.

CRL.M.A. 30780/2024

By way of the present application filed under section 528 of the
Bharatiya Nagarik Suraksha Sanhita 2023 ('BNSS'), the
petitioner/applicant seeks condonation of 17 days' delay in *re-filing*
the present petition.

2. For the reasons stated in the application, which is duly supported by
an affidavit, the application is allowed.



3. Delay in *re-filing* the petition is condoned.
4. The petition is taken on Board.
5. The application stands disposed-of.

CRL. M.C. 8053/2024

6. By way of the present petition filed under section 528 of the BNSS, the petitioner seeks quashing of case FIR No. 0754/2016 dated 04.11.2016 registered under sections 354/354-D/506 of the Indian Penal Code, 1860 ('IPC') at P.S.: Dabri, Delhi.
7. The petition is premised on Memorandum of Understanding dated 31.07.2024 ('MoU'), whereby the petitioner and respondent No. 2 have resolved the matter amicably.
8. The petition is also supported by affidavits of the petitioner and of respondent No. 2, alongwith proof of their IDs.
9. The petitioner and respondent No.2 are present in court. Their credentials have been verified and they have also been identified by their respective counsel and by the Investigating Officer.
10. The court has interacted with respondent No.2, as also with the petitioner, who have confirmed that they have now resolved the matter and the MoU has been signed by them closing all issues amicably. Respondent No.2 confirms that all aspects of the MoU have been performed and parties now wish to live in peace and harmony going forward.
11. Mr. Sanjeev Sabharwal, learned APP confirms that the State has no objection to the subject FIR being quashed.
12. 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.

13. While allowing the petition however, this court considers it appropriate, that by way of atonement, the petitioner shall pay costs of Rs. 7,500/- to the Very Special Arts India, Plot No. 3 Institutional Area, Nelson Mandela Marg, Vasant Kunj, New Delhi, within 04 weeks; and place proof of payment of costs on record within 01 week thereafter.
14. Subject to the aforesaid condition, FIR No. 0754/2016 dated 04.11.2016 registered under sections 354/354-D/506 of the IPC at P.S.: Dabri, Delhi is quashed. All proceedings arising therefrom also stand closed.
15. The Registry is directed to re-list the matter if costs are not paid as directed.
16. The petition stands disposed-of.
17. Pending applications, if any, also stand disposed-of.

ANUP JAIRAM BHAMBHANI, J

OCTOBER 14, 2024/ds