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

+ **CRL.M.C. 8060/2024**

DIN DAYAL AGRAWAL

.....Petitioner

Through: Mr. Naresh Kaushik with Mr. Vardhaman Kaushik, Mr. Anand Singh, Ms. Sanjana Mehrotra, Mr. Mayank Sharma and Mr. Ajay Kanojiya, Advocates.

versus

THE STATE (GOVT. OF N.C.T. OF DELHI & ORS.

.....Respondents

Through: Mr. Sanjeev Sabharwal, APP for the State with Ms. Samya Narula, Advocate.
Insp. Dinesh Rana, P.S.: Dwarka North and SI Mamta, P.S.: Sector 23, Dwarka.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

% **14.10.2024**

CRL. M.A. 30804/2024

Exemption granted, subject to just exceptions.

The application stands disposed-of.

CRL.M.C. 8060/2024

By way of the present petition filed under section 528 of the Bharatiya Nagarik Suraksha Sanhita 2023, the petitioner seeks quashing of case FIR No. 0151/2023 dated 10.06.2023 registered under section 420 of the Indian Penal Code, 1860 ('IPC') at P.S.: Sector 23 Dwarka, Delhi.



2. The petition is premised on Settlement Agreement dated 16.05.2024 ('settlement agreement'), whereby the petitioner and respondents Nos. 2 and 3 have resolved the matter amicably.
3. The petitioner is present in court and respondents Nos. 2 and 3 have joined the proceedings *via* video-conferencing. Their credentials have been verified and they have also been identified by the Investigating Officer.
4. The court has interacted with respondent Nos. 2 and 3, who have confirmed that they have now resolved their disputes with the petitioner and the settlement agreement has been signed by them closing all issues amicably. Respondents Nos. 2 and 3 have also confirmed that they have received the entire amount under the settlement agreement and they do not wish to pursue any further proceedings in the subject FIR.
5. Mr. Sanjeev Sabharwal, learned APP confirms that the State has no objection to the subject FIR being quashed.
6. 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.



7. While allowing the petition however, this court considers it appropriate, that by way of atonement, the petitioner shall pay costs of Rs.25,000/- to Friendicoes SECA, No.271 & 273, Defence Colony Flyover Market, Jungpura, New Delhi, within 04 weeks; and place proof of payment of costs on record within 01 week thereafter.
8. Subject to the aforesaid condition, FIR No. 0151/2023 dated 10.06.2023 registered under section 420 of the IPC at P.S.: Sector 23, Dwarka Delhi is quashed. All proceedings arising therefrom also stand closed.
9. The Registry is directed to re-list the matter if costs are not paid as directed.
10. The petition stands disposed-of.
11. Pending applications, if any, also stand disposed-of.

ANUP JAIRAM BHAMBHANI, J

OCTOBER 14, 2024

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