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

+ **CRL.M.C. 8675/2024**

RAJESH TONDON AND ANRPetitioner

Through: **Mr. Devender Kumar, Advocate.**

versus

THE STATE GOVT. OF NCT OF DELHI AND ANR.....Respondent

Through: **Mr. Satish Kumar, APP with SI
Premender Kumar.**

**Mr. Rishabh Gulati, Advocate for R-2
with R-2 in person (Through VC).**

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

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05.11.2024

CRL.M.A. 33142/2024

Exemption is allowed, subject to all just exceptions.

The application is disposed of.

CRL.M.C. 8675/2024 & CRL.M.A. 33141/2024

1. The instant petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter “BNSS”) [earlier under Section 482 of the Code of Criminal Procedure, 1973] has been filed by the petitioners praying for quashing of FIR bearing No. 512/2014 registered at Police Station Rani Bagh, Delhi, for offences punishable under Sections 354A/509/34 of the Indian Penal Code, 1860 (hereinafter “IPC”).

2. The petitioners are present before this Court and have been identified by his counsel Mr. Devender Kumar and the Investigating Officer (“IO”



hereinafter). The respondent No.2/complainant is also present before this Court (through Video Conferencing) and has been identified by her counsel and the IO.

3. On the query made by this Court, respondent No.2/complainant has categorically stated that 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 on 9th July, 2004 at about 11 PM, a quarrel took place between the respondent No.2 alongwith her husband and petitioners herein as the scooty belonging to the petitioners was wrongly parked. Thereafter, the present FIR was registered on the basis of the statement/complaint made by the respondent no.2 wherein allegations were levelled against the petitioners for teasing the respondent No.2 and using of abusive language.

5. With the intervention of respectable persons of the society, both the parties amicably resolved and settled their dispute. The terms and conditions of the said settlement are mentioned in the settlement deed dated 15th July, 2024 which is annexed as Annexure P-3 to the petition.

6. In view of the aforesaid, it is prayed by the learned counsel appearing on behalf of the petitioners that the instant FIR may be quashed on the basis of the settlement arrived at between the parties and as per the judgments 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 to not repeat the same conduct in the future.

7. *Per contra*, Mr. Satish Kumar, learned APP for the State submitted



that in case this Court is inclined to allow the instant petition and to quash the FIR in question in view of the settlement arrived at between the parties, cost may be imposed upon the petitioners as the FIR was registered in the year 2014 and a period of more than 9 years of judicial time has been wasted.

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

9. Keeping in view the fact that the parties have settled the matter as well as undertaking given by the petitioner, no useful purpose would be served by keeping the matter pending. Hence, FIR bearing No. 512/2014 registered at Police Station Rani Bagh, for the offences punishable under Sections 354A/509/34 of the IPC and consequent proceedings emanating therefrom are quashed.

10. The petition stands disposed of. Pending applications, if any, also stand disposed of.

CHANDRA DHARI SINGH, J

NOVEMBER 5, 2024

NA/sm

Click here to check corrigendum, if any