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

+ **CRL.M.C. 8726/2024**

GAURAV & ORS.

.....Petitioners

Through: Mr. Naveen Kumar & Mr. Anshul
Garg Advocates along with all
petitioners.

versus

STATE (NCT OF DELHI) & ORS.

.....Respondents

Through: Mr. Sanjeev Sabharwal, APP for the
State with Ms. Somya Narula,
Advocate with SI Ghanshaym, P.S.:
Pul Prahalad Pur.
Mr. Rajendra Kumar, Advocate for
R-2 to 7 alongwith R-2 to R-7.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

07.11.2024

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CRL.M.A. 33375/2024 (exemption)

Exemption granted, subject to just exceptions.

The application stands disposed-of.

Crl. M.C. 8726/2024

By way of the present petition filed under section 528 of the Bharatiya Nagarik Suraksha Sanhita 2023, the petitioners seek quashing of case FIR No.104/2021 dated 30.03.2021 registered under sections 308/323/354/34 of the Indian Penal Code, 1860 ('IPC') at P.S.: Pul Prahalad Pur, South-East Delhi. Consequent upon completion of investigation, the offence under section 354-B of the IPC was



added *vide* charge-sheet dated 03.08.2021.

2. The petition is premised on MoU/Settlement Deed dated 20.07.2024 whereby the petitioners and respondents Nos.2 to 7 have resolved the matter amicably.
3. The petition is also supported by affidavits of the petitioners and of respondents Nos.2 to 7, 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 incident is alleged to have happened when the parties were playing Holi, which led to serious injuries to various parties, including injuries to an aged man, who was hit on the head with a *lathi*.
6. The court has interacted with the respondents Nos. 2 to 7, as also with petitioners, who have confirmed that they have now resolved the matter and an MoU/Settlement Deed dated 20.07.2024 has been signed by them closing all issues amicably. Parties now wish to live in peace and harmony going forward.
7. Mr. Sanjeev Sabharwal, 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. While allowing the petition however, this court considers it appropriate, that by way of atonement, the petitioners shall pay costs of Rs.25,000/- *each* to Friendicoes SECA, No.271 & 273, Defence Colony Flyover Market, Jungpura, New Delhi within 04 weeks; and placing proof of payment of costs on record within 01 week thereafter.
10. Subject to the aforesaid condition, case FIR No.104/2021 dated 30.03.2021 registered under sections 308/323/354/34 of the IPC at P.S.: Pul Prahlad Pur, South-East Delhi is quashed. All proceedings arising therefrom also stand closed.
11. The Registry is directed to re-list the matter if costs are not paid as directed.
12. The petition stands disposed-of in the above terms.
13. Pending applications, if any, also stand disposed-of.

ANUP JAIRAM BHAMBHANI, J

NOVEMBER 7, 2024

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