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

+ CRL.M.C. 8975/2024

GAURAV @ GAGAN & ORS.Petitioners

Through: Mr.Anil Tomar, Adv.
with petitioners in person.

versus

THE STATE (GOVT. OF NCT OF DELHI) & ORS.

.....Respondents

Through: Mr.Mukesh Kumar, APP for the
State.
Mr.Kunal Mittal and Ms.Rishika,
Adv. for R-2 and R-3.
with respondents in person.

+ W.P.(CRL) 3590/2024

DHEERAJ & ORS.Petitioners

Through: Mr.Kunal Mittal and Ms.Rishika,
advts.
with petitioners in person

versus

STATE OF NCT OF DELHI & ORS.

.....Respondents

Through: Ms.Nandita Rao, ASC (Crl.) for the
State with Mr.Amit Peswani, adv.
Complainant through VC

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

18.11.2024

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1. These are two petitions seeking quashing of cross FIR No. 108/2024 u/s 307/427/34 IPC and FIR No. 111/2024 registered under sections 323/506/34 IPC. Both the FIRs were lodged at PS K.M Pur.
2. FIR No. 108/2024 u/s 307/427/34 IPC was lodged on the complaint of respondent No. 2 in CRL.M.C. 8975/2024, alleging therein that on 10.03.2024, at about 1:00 PM, while he was, delivering food to his grandfather, Om Prakash (Respondent no. 3), a quarrel broke out between the laborers and the accused, Gaurav and Saurav. The accused allegedly abused the laborers and chased them away. It is alleged that Gaurav returned with a sword and attacked Om Prakash . It has been stated that when the complainant tried to intervene, Saurav restrained him, and Gaurav inflicted injuries on his left arm and wrist with the sword. The complainant has further alleged that as he was taking his injured grandfather to Safdarjung Hospital, Gaurav, Saurav, and other family members began pelting bricks and stones at his car, causing extensive damage. The complainant and his grandfather were admitted to Safdarjung Hospital, where they were treated for their injuries. The chargesheet has been filed u/s 307/323/341/427/147/149/34 IPC
3. The other FIR No. 111/2024 was lodged on the complaint of respondent No. 2 in W.P. (Crl.) 3590/2024, alleging therein that on the day of the incident, Suraj, complainant/respondent no. 2 in CRL.M.C. 8975/2024 unlawfully trespassed into his house and initiated a quarrel without provocation. It is alleged that Suraj verbally abused him, threatened to seize his house, and later left the premises after issuing further threats. Shortly thereafter, it has been alleged that Suraj returned with his family members, including Om Prakash, Dheeraj, Satbir, and



Sagar, armed with swords and bricks attacked the complainant, his brother Saurav, and their servant Deepak with the intention to kill, causing grievous injuries. During the altercation, it is further alleged that Suraj tried to assault the complainant's mother. The chargesheet has been filed u/s 354/323/341/452/427 /354B/506/352/34 IPC

4. Learned counsel for the petitioners submits that both parties live in the same vicinity and are closely related to each other. Learned counsel submits that during the proceedings, the parties have amicably resolved all their disputes with the help and intervention of well-wishers and common friends vide Memorandum of Understanding dated 05.11.2024 on the following terms and conditions:

- 1. That both parties undertake to file quashing petition before the Hon'ble High Court of New Delhi for quashing the FIR No. 111/2024 registered under section 354/323/341/452/ 427/34 IPC with Police Station Kotla Mubarak Pur and FIR No. 108/2024 registered under Section 307/323/341/ 427/147/149/34 IPC with Police Station Kotla Mubarak Pur, New Delhi.*
- 2. That both Parties undertake to file no objection or affidavit stating that they have no objection if the abovesaid FIRs be quashed. It is mutually undertaken that the both Parties would present themselves at the time of Court hearing to make requisite statements for withdrawal/compromise/ quashing of the proceedings in the above noted cases*
- 3. That both parties undertake that they shall not raise any claim or make any complaints against each other.*
- 4. That both parties have mutually settled that the complaint/ petition, if any, filed by either party shall also stand withdrawn/compromised leaving the parties to lead their lives in the manner they choose so and no future claim would be raised by either party thereafter and all disputes'/claims/ complaints shall stand compromised fully and finally.*
- 5. That both parties as on date of the execution of this*



Agreement are not having any kind of dispute between them whether civil or criminal and have compromised/ settled amicably all their cases/disputes.

6. That both Parties do not want to proceed any and all of their case/complaints filed against each other pending or ongoing, if any.

7. That both Parties also undertake that they shall not file any case against each other pertaining to the present dispute whether civil or criminal.

5. The parties are present in person and have been duly identified by the IO. The parties state that the present dispute arose out of a misunderstanding related to some consecration of the property which eventually led to the quarrel. The parties state that they have amicably settled all their disputes and grievances vide Memorandum of Understanding dated 05.11.2024 and do not wish to pursue the present complaints any further. The parties state that they are neighbours to each other who are closely related to each other and resolve to live peacefully in the future. The parties state that they have no objection if the present FIRs and all other proceedings emanating therefrom are quashed. The parties state that they are making the statement voluntarily against all claims (past, present and future) without any fear, force, undue influence or coercion.
6. Since the dispute between the parties is predominantly private in nature and the parties have settled all the disputes amicably, in the interest of justice it would be better to put a quietus to the dispute. The chances of conviction would also be bleak and remote, given that the parties do



not wish to pursue the present complaints on account of the settlement.
I do not see any reason to reject the settlement.

7. Taking into account the totality of facts and circumstances, the case FIR No. 108/2024 u/s 307/323/341/427/147/149/34 IPC and FIR No. 111/2024 u/s 354/323/341/452/427 /354B/506/352/34 IPC, both lodged at PS K.M Pur and all other proceedings emanating therefrom are quashed.
8. The present petitions along with pending applications stands disposed of.

DINESH KUMAR SHARMA, J

NOVEMBER 18, 2024

Rb/smg