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

+ CRL.M.C. 9100/2024

BABU KHAN & ANR.

.....Petitioners

Through: Mr. Brijesh Kr. Singh with Mr. Sachin Kumar, Advocates and petitioners in court.

versus

THE STATE NCT OF DELHI & ORS.

.....Respondents

Through: Mr. Hitesh Vali, APP for the State with SI Vivek Tomar, P.S.: New Friends Colony.
Mr. Suman Sharma with Mr. R. C. Tiwari, Mr. Subhash Chand, Advocates for R-2 and 3 and R-2 and 3 in court.

+ CRL.M.C. 9194/2024

MANISH CHAUDHARY & ANR.

.....Petitioners

Through: Mr. Suman Sharma with Mr. R. C. Tiwari, Mr. Subhash Chand, Advocates with petitioners in court.

versus

THE STATE NCT OF DELHI & ORS.

.....Respondents

Through: Mr. Hitesh Vali, APP for the State with SI Vivek Tomar, P.S.: New Friends Colony.
Mr. Brijesh Kr. Singh with Mr. Sachin Kumar, Advocates and respondents Nos. 2 and 3 in court.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

25.11.2024

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CRL.M.A. 34881/2024 in CRL.M.C. 9100/2024
CRL.M.A. 35212/2024 in CRL.M.C. 9194/2024

Exemption granted, subject to just exceptions.

The applications stand disposed-of.

CRL.M.C. 9100/2024
CRL.M.C. 9194/2024

By way of the present petitions filed under section 528 of the Bharatiya Nagarik Suraksha Sanhita 2023, the petitioners seek quashing of cross-FIRs bearing FIR No. 199/2022 dated 22.05.2022 registered under sections 308/34 of the Indian Penal Code, 1860 ('IPC') at P.S.: New Friends Colony, Delhi in CRL.M.C. No.9100/2024 and FIR No. 200/2022 dated 22.05.2022 registered under sections 308/34 IPC at P.S.: New Friends Colony, Delhi in CRL.M.C. No.9194/2024.

2. The petitions are premised on Memorandum of Understanding dated 09.10.2024, whereby the contesting parties have resolved the matter amicably.
3. The petitions are also supported by affidavits of the contesting parties, 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 and by the Investigating Officer.
5. The court has interacted with the contesting parties, who have confirmed that they have now resolved the matter and the memorandum of understanding referred to above has been signed by



them closing all issues amicably. Parties now wish to live in peace and harmony going forward.

6. Mr. Hitesh Vali, learned APP appearing on behalf of the State confirms that the State has no objection to the subject FIRs being quashed.
7. 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 FIRs 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 FIRs and all subsequent proceedings would be an exercise in futility and would not be conducive to peace and harmony between the parties.
8. Though allegations of offences under section 308 IPC has been recorded in the FIRs, the MLCs of the injured parties show that the nature of injury has been opined to be 'simple'.
9. Since the two sides had filed cross-FIRs and the injuries were a result of what appears to be a brawl between them arising from a money dispute, while allowing the petitions this court considers it appropriate that in order to bring back peace and harmony between the two sides, by way of atonement, the petitioners in *each* of the cases are directed to pay costs of Rs.7,500/- *each* to Friendicoes SECA, No. 271 & 273, Defence Colony Flyover Market, Jungpura, New Delhi within 04 weeks.
10. Subject to the aforesaid condition, FIR No. 199/2022 dated 22.05.2022 registered under sections 308/34 IPC at P.S.: New Friends Colony,



Delhi and FIR No. 200/2022 dated 22.05.2022 registered under sections 308/34 IPC at P.S.: New Friends Colony, Delhi is quashed. All proceedings arising therefrom also stand closed.

11. Parties are directed to place on record the proof of payment of costs within 01 week thereafter.
12. The Registry is directed to re-list the matter if costs are not paid as directed.
13. The petitions stand disposed-of in the above terms.
14. Pending applications, if any, also stand disposed-of.

ANUP JAIRAM BHAMBHANI, J

NOVEMBER 25, 2024

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