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

+ **CRL.M.C. 9202/2024**

HARI PRAKASH ALIAS SUNIL & ORS.Petitioners

Through: Mr. Amit Gaba, Adv. with
Petitioners.

versus

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

Through: Ms. Kiran Bairwa, APP for the State
with IO/ACP Madan Lal Meena, PS
Sector -23, Dwarka
Mr.Dheeraj Aggarwal advocate for R-
2 with respondents

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

% **26.11.2024**

CRL.M.A. 35263/2024(Exemption)

Exemption is allowed subject to all just exceptions.

CRL.M.C. 9202/2024

The present petition has been filed seeking quashing of FIR No. 0197/2024 U/s 115(2)/126(2)/110/351(2)/3(5) BNS registered at P.S. Sec-23, Dwarka based on settlement vide settlement dated 14.11.2024.

Issue notice.

Learned APP for the State has accepted the notice.

Learned Counsel for the petitioner submitted that this is a case where parties are known to each other and are neighbours living in the same vicinity. A quarrel took place between the petitioners and Respondent no. 2/complainant on a petty issue due to which both parties got injured, and the



present FIR was registered. However, it has been submitted that during the pendency of the proceeding, the parties have reached on a settlement vide settlement dated 14.11.2024 on the following terms and conditions;

“The expression of the first party and second party shall mean and include their respective representative assigns etc.

Whereas due to quarrel between the parties, there was a criminal case registered against the First Party and the Second Party had also filed the criminal complaint before the concerned police station and the First Party had also filed the criminal complaint u/s 175(3) BNSS for registration of FIR against the Second Party and his associates. However, on the complaint of the Second Party, the FIR bearing no. 197/2024 u/s 115(2)/126(2)/110/351(2)(3)(5) PS Sector 23 Dwarka was registered against the First Party and the Second Party had also filed the complaint u/w 175(3) BNSS for registration of FIR against the Second Party which was pending before the Court of Sh. Anurag Dass, ASJ, South West, Dwarka New Delhi vide case no.

Whereas due to intervention of the village elders and family members of both the parties, they have settled the matter with each other.

Whereas both the Parties have settled their Dispute with each other and they resolved their disputes amicably as both the parties are immediate neighbor and they have decided to withdraw their litigation pending between each-other.

Whereas the First Party filed the criminal complaint case vide case number which was pending before the Session Court for registration of FIR and the same was withdrawn by the First Party as per the settlement on the other hand, the Second Party shall co-operate to withdraw or quash the proceeding of FIR bearing no. 197/2024 u/s 115(2)/126(2)/110/351(2)(3)(5) PS Sector 23 Dwarka, before the Hon'ble High Court of Delhi.

Whereas the parties into entered the present



settlement/agreement out of their own free will, without any fear, coercion or undue influence from any quarter after understanding the consequences of the present settlement.

Whereas this compromise has been executed by the parties with their free will and consent.

Whereas both the parties shall withdraw all their complaints, cases if any pending before any competent court of law or any police station or any other authority etc. after complying the terms as stated above and if the parties fail to comply the terms of this settlement then the other party shall have right to take action as per Law against the defaulted party and further he shall right to revive and entitled for all the above said amount.

Whereas both the parties will not file any civil, criminal complaint or case in future after execution of this compromise deed subject to strict adherence to the terms of the deed by both the parties.

Whereas the parties undertake to remain bound by the aforesaid terms of compromise and if any party not comply the terms of this settlement then other party shall have right to take appropriate steps as per law.

Respondent No.2 is present in court and has duly been identified by IO. He submits that he has entered into the settlement with the petitioners voluntarily without any fear, force or coercion and has no objection if the present FIR and all the proceedings emanating therefrom are quashed.

IO also endorses that the settlement has arrived voluntarily between the parties with the intervention of the elders and well-wishers of the society.

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 complaint on account of the settlement. I do not see any reason to reject the settlement.

Taking into account the totality of facts and circumstance, FIR No. 0197/2024 U/s 115(2)/126(2)/110/351(2)/3(5) BNS registered at P.S. Sec-23, Dwarka and all the proceedings emanating therefrom are quashed subject to deposit of the cost of Rs.50,000/- to be paid by petitioner No.1 and 3 with *'Delhi High Court Staff Welfare Fund, UCO Bank, Delhi High Court, A/C 15530110074442, IFSC Code UCBA0001553'*

DINESH KUMAR SHARMA, J

NOVEMBER 26, 2024

Pallavi/smg