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

+ **CRL.M.C. 9320/2024**

MADAN & ORS.

.....Petitioners

Through: Mr. Sujit Kumar & Mr.
Rohit Singh, Advs. along
with all the four petitioners
in person.

versus

THE STATE GOVT NCT OF DELHI & ORS.

.....Respondents

Through: Mr. Rajkumar, APP for the
State.
SI Jatin Kaushik PS Raj
Park.
Mr. Mohit Saini & Mr.
Nitish Nagar, Advs. for R-
2 & R-3 along with R-2 &
R-3 in person.

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

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28.11.2024

CRL.M.A. 35715/2024(exemption)

1. Exemption allowed, subject to all just exceptions.
2. The application stands disposed of.

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3. The present petition is filed seeking quashing of FIR No. 412/2021 dated 10.06.2021, registered at Police Station Raj Park for offences under Sections 323/341/34 of the Indian Penal Code, 1860('IPC'), including all consequential proceedings arising therefrom. The said FIR was registered on a complaint filed by Respondent No. 2.
4. Chargesheet in the present case has been filed under Sections 323/341/506/34 of the IPC.

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5. It is averred that the parties, at the relevant time, were neighbours. Due to some misunderstanding, a minor alteration took place between the parties, which led to the registration of the present FIR.

6. The alleged incident, which happened on 10.06.2021, led to the registration of cross-FIRs, that is, the present FIR and the FIR No. 408/2021, dated 10.06.2021, registered at Police Station Raj Park, for offences under Sections 323/341/506/34/325 of the IPC.

7. The parties have already settled their disputes in FIR No. 408/2021 before the Mediation Centre, Rohini District Court *vide* Settlement agreement dated 12.09.2024.

8. The present petition is filed on the ground that the matter has amicably been settled between the parties, with the intervention of well wishers, and that they have also entered into a Compromise Deed dated 11.11.2024, of their own free will, without any threat, force, coercion or misrepresentation.

9. The learned counsel for the petitioners submits that the parties have resolved all their disputes and have decided to live their lives peacefully.

10. He submits that the petitioners have unconditionally apologised for their behaviour and they undertake to not indulge into any such activity in the future.

11. The petitioners are present in Court today. They state that they have since unconditionally apologized for their behaviour and have decided to bury their disputes.

12. All the petitioners and Respondent Nos. 2-3 are present in person in Court today and have been duly identified by the Investigating Officer.

13. Respondent Nos. 2-3, on being asked, state that they are

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satisfied with the apology tendered by the petitioners and being neighbours, they have decided to move on in their lives and bury their disputes. They further state that they do not wish to pursue the proceedings arising out of the present FIR, and have no objection if the proceedings are quashed.

14. Offences under Sections 323/341/506 of the IPC are compoundable in nature.

15. In the present case, Respondent Nos. 2-3 have stated that they have no remaining grievance against the petitioners, who are their neighbors, and that they are satisfied with the petitioners' unconditional apology. In the peculiar circumstances of this case, it is unlikely that the present FIR will result in a conviction when Respondent Nos. 2-3 do not wish to pursue the case. In such circumstances, continuance of the proceedings would only cause undue harassment and ill will to fester amongst the parties.

16. Keeping in view the nature of the dispute and the fact that the parties have amicably settled the dispute, this Court feels that no useful purpose would be served by keeping the dispute alive and continuance of the proceedings would amount to abuse of the process of Court. I am of the considered opinion that it is a fit case to exercise discretionary jurisdiction under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

17. However, keeping in mind the fact that the State machinery has been put to motion, ends of justice would be served if the petitioners are put to cost.

18. In view of the above, FIR No. 412/2021 and all consequential proceedings arising therefrom are quashed, subject to payment of a total cost of ₹10,000/- by petitioners, to be deposited with the Delhi Police Welfare Society within a period of eight weeks from date.



19. Let the proof of deposit of cost be deposited with the concerned SHO.
20. The present petition is allowed in aforesaid terms.

AMIT MAHAJAN, J

NOVEMBER 28, 2024
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