



\$~79 & 25

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

+ CRL.M.C. 9387/2024 and CRL.M.A. 35998/2024

AMIT & ORS.

.....Petitioners

Through: Mr. Rishabh Singla and Ms. Ria Goyal, Advocates.

versus

STATE NCT OF DELHI AND ORS.

.....Respondents

Through: Mr. Hitesh Vali, APP for the State with Insp. Rajeev Kr. P.S.: Mayur Vihar.

Mr. Raj Kumar, Advocate for the complainants with complainants in court.

+ CRL.M.C. 9054/2024

DINESH KUMAR & ORS.

.....Petitioners

Through: Mr. Raj Kumar, Advocate with petitioners in court.

versus

STATE GOVT. OF NCT OF DELHI AND ORS.

.....Respondents

Through: Mr. Hitesh Vali, APP for the State with Insp. Rajeev Kr. P.S.: Mayur Vihar.

Mr. Rishabh Singla and Ms. Ria Goyal, Advocates for the complainants with complainants in court.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

%

03.12.2024

CRL.M.A. 35997/2024 in CRL.M.C. 9387/2024

CRL.M.A. 34692/2024 in CRL.M.C. 9054/2024

Exemption granted, subject to just exceptions.

The applications stand disposed-of.



CRL.M.A. 35998/2024 in CRL.M.C. 9387/2024

By way of the present application filed under section 528 of the Bharatiya Nagarik Suraksha Sanhita 2023 ('BNSS'), the petitioners seek exemption from filing the MLC of the injured persons.

2. The application stands disposed-of as infructuous.

CRL.M.C. 9387/2024

CRL.M.C. 9054/2024

3. By way of the present petitions filed under section 528 of the BNSS, the petitioners seek quashing of cross-FIRs bearing FIR No. 264/2020 dated 17.05.2020 registered under sections 308/341/34 of the Indian Penal Code, 1860 ('IPC') at P.S.: Mayur Vihar Ph-1, Delhi *and* FIR No.263/2020 dated 17.05.2020 registered under sections 308/341/34 IPC at P.S.: Mayur Vihar Ph-1, Delhi.
4. The petitions are premised on Settlement Deed dated 25.09.2024, whereby the contesting parties have resolved the matter amicably.
5. The petitions are also supported by affidavits of the contesting parties, alongwith proof of their IDs.
6. The contesting parties are present in court. Their credentials have been verified and they have also been identified by their respective counsel.
7. Though MLCs of respondent Nos. 2 and 3 have not been placed on record in CRL.M.C. No. 9387/2024, the court has interacted with them and they state that though they received injuries on the head by the accused persons, the injuries were not serious in nature and they were discharged from the hospital within an hour and two after being administered first-aid.



8. The court has interacted with the contesting parties, who are stated to be neighbours and have now resolved the matter and that a settlement deed has been signed by them closing all issues amicably. Parties now wish to live in peace and harmony going forward.
9. Mr. Hitesh Vali, learned APP appearing on behalf of the State confirms that the State has no objection to the subject FIRs being quashed.
10. 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.
11. While allowing the petition however, this court considers it appropriate, that by way of atonement, *all parties in each of the case* shall pay costs of Rs.2,500/- each to Friendicoes SECA, No.271 & 273, Defence Colony Flyover Market, Jungpura, New Delhi within 04 weeks.
12. Subject to the aforesaid condition, FIR No. 264/2020 dated 17.05.2020 registered under sections 308/341/34 IPC at P.S.: Mayur Vihar Ph-1, Delhi *and* FIR No.263/2020 dated 17.05.2020 registered under sections 308/341/34 IPC at P.S.: Mayur Vihar Ph-1, Delhi are quashed. All proceedings arising therefrom also stand closed.



13. Petitioner is directed to place on record the proof of payment of costs within 01 week.
14. The Registry is directed to re-list the matter if costs are not paid as directed.
15. Petitions stand disposed-of.
16. Pending applications, if any, also stand disposed-of.

ANUP JAIRAM BHAMBHANI, J

DECEMBER 3, 2024

ds