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

+ **CRL.M.C. 9417/2024**

IRSHAD & ANR.

.....Petitioners

Through: Mr. Mohd. Shariq with Mr. Shivam,
Mr. Mohd. Javed, Advocates and
petitioners in court.

versus

THE STATE NCT OF DELHI & ANR.

.....Respondents

Through: Mr. Hitesh Vali, APP for the State
and SI Ajit, P.S.: Gokulpuri.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

% **02.12.2024**

CRL.M.A. 36142/2024 (exemption)

Exemption granted, subject to just exceptions.

The application stands disposed-of.

Crl. M.C.9417/2024

By way of the present petition filed under section 528 of the Bharatiya Nagarik Suraksha Sanhita 2023, ('BNSS') the petitioners seek quashing of case FIR No.0365/2017 dated 25.07.2017 registered under sections 323/354/354(B)/509/34/452 of the Indian Penal Code, 1860 ('IPC') at P.S.: Gokul Puri, Delhi.

2. The petition is premised on Settlement Deed dated 18.10.2021, whereby the petitioners and respondent No. 2 have resolved the matter amicably.



3. The petition is also supported by affidavits of the petitioners and of respondent No. 2, 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.
5. The court has interacted with respondent No.2, who has explained her circumstances and *inter-alia* states that she has settled the matter with the petitioners since they are her brothers-in-law, viz. her husband's brothers. She states that the subject FIR came to be registered in the context of a property dispute among members of the family.
6. Mr. Hitesh Vali, learned APP appearing for the State submits that the subject FIR dates back to 2017 and that the prosecutrix has supported the prosecution case in her deposition before the learned trial court.
7. However, in the circumstances obtaining in the case, this court is of the view that since the contesting parties have amicably settled their disputes, continuing with the subject FIR and all subsequent proceedings would be an exercise in futility and would not be conducive to peace and harmony between the parties.
8. 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 FIR and all proceedings emanating therefrom should not be quashed.
9. That being said, considering the wanton violence that is alleged to have been perpetrated against respondent No.2, this court also thinks



it is necessary to impose costs upon the petitioners, commensurate with their actions. Accordingly, it is directed that by way of atonement, the petitioners shall pay costs of Rs.25,000/- each to Friendicoes SECA, No.271 & 273, Defence Colony Flyover Market, Jungpura, New Delhi within 04 weeks; and place proof of payment of costs on record within 01 week thereafter.

10. Subject to the aforesaid condition, FIR No.0365/2017 dated 25.07.2017 registered under sections 323/354/354(B)/509/34/452 IPC at P.S.: Gokul Puri, Delhi is quashed. All proceedings arising therefrom also stand closed.
11. The Registry is directed to re-list the matter if costs are not paid as directed.
12. The petition stands disposed-of in the above terms.
13. Pending applications, if any, also stand disposed-of.

ANUP JAIRAM BHAMBHANI, J

DECEMBER 2, 2024

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