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

+ CRL.M.C. 9773/2024 & CRL.M.A. 37490/2024

SHUBHAM SHARMA THROUGH PAROKAR & ORS.

.....Petitioners

Through: Mr. Deepak Singh Thakur, Ms. Komal Verma, and Mr. Prashant Bhati, Advocates.

versus

STATE OF GNCT OF DELHI THROUGH SHO & ORS.

.....Respondents

Through: Mr. Hitesh Vali, APP for the State with SI H.R. Choudhary, P.S. Gandhi Nagar.
Mr. Shaurya Sethi and Mr. Sanjeev Kumar, Advocates for petitioners Nos.2, 3 & 3.

+ CRL.M.C. 9775/2024 & CRL.M.A. 37492/2024

SAHIL BHATIA ALIAS HAPPY AND ORS.

.....Petitioners

Through: Mr. Shaurya Sethi and Mr. Sanjeev Kumar, Advocates for petitioners Nos.1,2 & 3.

versus

STATE OF GNCT OF DELHI AND ORS.

.....Respondents

Through: Mr. Hitesh Vali, APP for the State with SI H.R. Choudhary, P.S. Gandhi Nagar.
Mr. Deepak Singh Thakur, Ms. Komal Verma, and Mr. Prashant Bhati, Advocates for R-2, 3 & 4.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

18.12.2024

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By way of the present petitions filed under section 528 of the Bharaitya Nagarik Suraksha Sanhita 2023, the petitioners seek quashing of cross-FIRs bearing FIR No. 259/2020 dated 13.06.2020



registered under sections 323/341/452/34 of the Indian Penal Code, 1860 ('IPC') at P.S.: Gandhi Nagar, Delhi *and* FIR No. 260/2020 dated 13.06.2020 registered under sections 308/34 IPC at P.S.: Gandhi Nagar, Delhi based on settlement.

2. Pursuant to last order dated 12.12.2024, Mr. Hitesh Vali learned APP appearing for the State has handed-up copies of the MLCs of the injured persons. The same are taken on record.
3. A perusal of the MLCs shows that insofar as FIR No. 259/2020 is concerned, one injured person *viz.* Anmol Aggarwal had sustained a 'simple' injury in that case; and insofar as FIR No. 260/2020 is concerned, there were 02 injured persons, one *viz.* Sonu Gupta, who had sustained an injury which was opined to be 'dangerous to life' and the other person *viz.* Shubham Sharma, who had sustained 'simple' injury.
4. The petition is also supported by affidavits of the petitioners and of respondent No. 2, alongwith proof of their IDs.
5. All concerned parties are present in court. They have been identified by their counsel as well as by the Investigating Officer ('I.O.').
6. Mr. Hitesh Vali, learned APP confirms that the State has no objection to the subject FIR No. 259/2020 being quashed. However, he submits, that in view of one of the injured persons having sustained an injury which has been opined to be 'dangerous to life' and the offences under section 308/34 IPC accordingly being made-out in FIR No. 260/2020, the FIR bearing No. 260/2020 may not be quashed.
7. However, in view of what was disclosed in the MLCs of the injured persons; and more importantly, keeping in mind that the parties have



resolved their *inter-se* disputes *vide* Memorandum of Understanding dated 04.12.2024; and 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 cross-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 cross-FIRs and all subsequent proceedings would be an exercise in futility and would not be conducive to peace and harmony between the parties.

8. Accordingly cross-FIRs bearing FIR No. 259/2020 dated 13.06.2020 registered under sections 323/341/452/34 IPC at P.S.: Gandhi Nagar, Delhi and FIR No.260/2020 dated 13.06.2020 registered under sections 308/34 IPC at P.S.: Gandhi Nagar, Delhi are quashed. All proceedings arising therefrom also stand closed.
9. Learned counsel appearing for the petitioners in CRL.M.C. 9773/2024 submits, that petitioner No.1 / Shubham Sharma is currently lodged in judicial custody in FIR No. 259/2024 and seeks liberty to move an appropriate application before learned trial court seeking release of petitioner No.1 from custody.
10. The petition is accordingly disposed-of with liberty as prayed-for.
11. Pending applications, if any, also stand disposed-of.

ANUP JAIRAM BHAMBHANI, J

DECEMBER 18, 2024

V.Rawat