



\$~124

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

+ CRL.M.C. 9878/2024 & CrI.M.A.37826/2024

HARISH AND ORS

....Petitioners

Through: Mr. Kirtiman Singh, Senior Advocate  
with Mr. Vikhyat Oberoi, Mr. Ravi  
Sharma, Mr. Shivam Prakash, Ms.  
Nishita Gupta and Mr. Ranjeev,  
Advs.

versus

STATE (GOVT OF NCT OF DELHI) AND ORS. ...Respondents

Through: Mr. Satish Kumar, APP for the State  
with SI Sandeep  
R-2 and R-3 in person

**CORAM:**

**HON'BLE MR. JUSTICE CHANDRA DHARI SINGH**

**ORDER**

**16.12.2024**

%

1. The instant petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter “BNSS”) [earlier under Section 482 of the Code of Criminal Procedure, 1973 (hereinafter as the “Cr.P.C”)] has been filed on behalf of the petitioners seeking for quashing of FIR bearing No.391/2013, registered at Police Station - Kanjhawala, Delhi, for offences punishable under Sections 323/341/452/506/34 of the Indian Penal Code, 1860 (“IPC” hereinafter) and Sections 25/27/54/59 of the Arms Act, 1959 and the consequential proceedings emanating therefrom.

2. Issue notice.

3. Learned APP for the State accepted notice on behalf of respondent no.1 and notice is accepted by the respondent Nos.2 and 3, who are present in Court.



4. The brief facts of the case are that a dispute arose between the petitioners and respondent no. 2 and 3, which led to the filing of the instant FIR against the petitioners.

5. Learned counsel for the petitioners submitted that with the intervention of the family members and well-wishers, both the parties entered into a settlement vide Settlement Deed dated 2<sup>nd</sup> September, 2024. The terms and conditions of the same are recorded in the said settlement deed, which is annexed as Annexure P-4 to the instant petition.

6. Therefore, it is prayed by the learned counsel appearing on behalf of the parties that the instant FIR may be quashed on the basis of the compromise and in accordance with the settled law on this point as posited by the Hon'ble Supreme Court. At this juncture, the petitioners appearing in-person also undertake to not repeat the same conduct in the future.

7. Learned APP for the State submitted that there is no opposition to the prayer made on behalf of the petitioners seeking quashing of the FIR in question in view of the settlement arrived at between the parties, however, it is submitted that cost may be imposed upon the petitioners as the FIR was registered in 2013 and 11 years of judicial time has been wasted.

8. Heard learned counsel for the parties and perused the record.

9. In the case of ***Gian Singh vs. State of Punjab***, (2012) 10 SCC 303, the Hon'ble Supreme Court observed quashing of the FIR on the basis of amicable resolution of disputes. It is further observed that if the High Court is of the view that continuation of criminal proceedings between the parties would amount to abuse of process of law despite the settlement or compromise between the parties, the same may be quashed.

10. The petitioners are present before this Court and have been identified



by their counsel Mr. Kirtiman Singh, Senior Advocate and the Investigation Officer (hereinafter “IO”) SI Sandeep, Police Station - Kanjhawala. The respondent Nos.2 & 3 are also present in the Court and have been identified by IO.

11. On the query made by this Court, respondent Nos.2 & 3 has categorically stated that they have entered into compromise on their own free will and without any pressure. It is also stated by respondent Nos.2 & 3 that the entire dispute has been amicably settled between the parties.

12. Keeping in view the fact that parties have settled the matter as well as undertaking given by the petitioners, no useful purpose would be served by keeping the matter pending. Hence, FIR bearing No.391/2013, registered at Police Station - Kanjhawala, Delhi, for offences punishable under Sections 323/341/452/506/34 of the IPC and Sections 25/27/54/59 of the Arms Act, 1959 and consequent proceedings emanating therefrom are quashed subject to the deposition of the cost of Rs.25,000/- in the account of Army Central Welfare Fund, Saving Account no. 520101236373338 (IFSC-UBIN0530778), Bank Name- Union Bank of India, Branch- Chandni Chowk, Delhi – 110006 within a period of one week. The receipt to the payment of the aforesaid cost shall be furnished before the IO as well as the Registry of this Court within one week.

13. The petition along with pending applications stands disposed of.

**CHANDRA DHARI SINGH, J**

**DECEMBER 16, 2024/Rt/mk**

*Click here to check corrigendum, if any*