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

+ **CRL.M.C. 10046/2024**

AAKASH AND OTHERS

.....Petitioners

Through: Mr. Davender Kumar, Advocate.

versus

STATE GOVT. OF NCT OF DELHI AND ANR.Respondents

Through: Mr. Hitesh Vali, APP for the State.

SI Paramjeet, P.S.: Ranhola.

Ms. Nimisha, Advocate for R-2.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

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20.12.2024

CRL.M.A. 38502/2024 (exemption)

Exemption granted, subject to just exceptions.

The application stands disposed-of.

CRL.M.C. 10046/2024

By way of the present petition filed under section 528 of the Bharatiya Nagarik Suraksha Sanhita 2023, the petitioners seek quashing of case FIR No. 855/2022 dated 08.12.2022 registered under sections 308/34 of the Indian Penal Code, 1860 ('IPC') at P.S.: Ranhola, Delhi. Consequent upon completion of investigation, allegations under sections 394/411 IPC was added *vide* chargesheet dated 02.03.2023.

2. The petition is premised on Memorandum of Understanding dated 22.11.2024, 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, as also with petitioners, who have confirmed that they have now resolved the matter and a Memorandum of Understanding dated 22.11.2024 has been signed by them closing all issues amicably. Parties now wish to live in peace and harmony going forward.
6. Mr. Hitesh Vali, learned APP confirms that the State has no objection to the subject FIR being quashed.
7. 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. This court is of the view that in light of the settlement between the contesting parties, 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. While allowing the petition however, this court considers it appropriate, that by way of atonement, the petitioners shall pay costs of Rs. 10,000/- each to Friendicoes SECA, No.271 & 273, Defence Colony Flyover Market, Jungpura, New Delhi within 04 weeks.



9. Petitioners are directed to place on record the proof of payment of costs within 01 week thereafter.
10. Subject to the aforesaid condition, FIR No. 855/2022 dated 08.12.2022 registered under sections 308/34 IPC at P.S.: Ranhola, 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. Petition stands disposed-of.
13. Pending applications, if any, also stand disposed-of.

ANUP JAIRAM BHAMBHANI, J

DECEMBER 20, 2024/ak