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

+ **CRL.M.C. 10069/2024**

NARESH KUMAR GARG

.....Petitioner

Through: Mr. Vikram Gujral and Ms.
Akanksha Singh, Advocates along
with the petitioner in person

versus

STATE & ANR.

.....Respondents

Through: Mr. Raghuinder Verma, APP for the
State with SI Sandeep Kumar, P.S.
G.K.-I, N.D.
Mr. Karan Jain, Advocate for R-2

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

20.12.2024

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1. The instant petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter “BNSS”) has been filed by the petitioner praying for quashing of FIR bearing No. 47/2018 registered at Police Station Greater Kailash for offences punishable under Sections 354A/509 of the Indian Penal Code, 1860 (hereinafter “IPC”).

2. The brief facts of the case are that pursuant to a scuffle that broke out between the petitioner on one side and the respondent no. 2 and her husband on the other side, a complaint against the petitioner was lodged by respondent no.2 in Police Station Greater Kailash, which led to the registration of the instant FIR. The chargesheet has been filed before the



Court concerned and charges have been framed against the petitioner under Sections 354A and 509 of the IPC.

3. Learned Counsel for the petitioner submitted that with the intervention of family members and relatives, the parties entered into settlement vide Memorandum of Understanding dated 12th November, 2024 (hereinafter “MoU”). The terms and conditions of the said settlement are mentioned in the MoU which is annexed as Annexure-3 to the petition.

4. It is prayed that the instant FIR be quashed on the basis of MoU dated 12th November, 2024.

5. Learned APP appearing on behalf of 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.

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

7. The Hon’ble Supreme Court in the case of ***Ramgopal and Ors. Vs. The State of Madhya Pradesh, 2021 INSC 568***, held that the extraordinary power enjoined upon the High Courts under Section 482 of Cr.P.C. can be invoked even when such a case falls within the ambit of non-compoundable offences given that the Court must be satisfied that the nature of the offence does not impact the conscience of the society and that the compromise between the parties is voluntary and amicable.

8. The petitioner is present before this Court and has been identified by his counsel Mr. Vikram Gujral and Investigating Officer SI Sandeep Kumar, Police Station Greater Kailash. The respondent No.2 is also present in the Court and has been identified by her counsel, Mr. Karan Jain and the Investigating Officer.



9. On the query made by this Court, respondent no.2 has categorically stated that she has entered into compromise on her own free will and without any pressure. It is also stated by respondent no.2 that the entire dispute has been amicably settled between the parties. The parties also undertook that they shall abide by the terms and conditions of the Settlement Agreement arrived at between the parties.

10. In the instant case, as stated above, the parties have reached a compromise and amicably settled the entire disputes without any pressure. There is also no allegation that the behaviour or antecedents of the petitioner has been improper towards respondent no.2 after the settlement between the parties.

11. Therefore, in view of the settlement arrived at between the parties and the law laid down by the Hon'ble Supreme Court, no useful purpose would be served by keeping the proceedings in the instant FIR alive. Hence, the present petition is allowed.

12. Accordingly, FIR bearing No. 47/2018 registered at Police Station Greater Kailash for offences punishable under Sections 354A/509 of the IPC and all consequential proceedings emanating therefrom are quashed.

13. The petition alongwith pending applications, if any, stand disposed of.

CHANDRA DHARI SINGH, J

DECEMBER 20, 2024
gs/st

Click here to check corrigendum, if any