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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 161/2025 & CRL.M.A. 857-858/2025**
VISHAL MISHRA @ VISHAL KUMAR
& ANRPetitioners

Through: Mr. Pulkit Sanghi, Advocate for
Petitioner along with Petitioners in
person.

versus

STATE NCT OF DELHI & ANR.Respondents

Through: Mr Nawal Kishore Jha, APP for the
State
SI Vineet, PS Madhu Vihar
R-2 in person

CORAM:
HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

% **04.03.2025**

CRL.M.A. 858/2025 (for exemption)

1. Allowed, subject to all just exceptions.
2. The application stands disposed of.

CRL.M.C. 161/2025

3. The present petition has been filed on behalf of the Petitioner under Article 227 of the Constitution of India read with Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 ('BNSS') and Section 482 of the Code of Criminal Procedure, 1973 ('Cr.P.C.'), seeking quashing of FIR No. 541/2016 registered at Police Station (PS) Madhu Vihar, Delhi for offences under Sections 323/341/354B/34 of the Indian Penal Code, 1860 (IPC) and all proceedings emanating therefrom.
4. Petitioner Nos. 1 and 2 are present in Court and have been identified by their Counsel and the Investigating Officer (IO).



5. Learned counsel for the Petitioner states that the parties have amicably resolved the matter and entered a Memorandum of Understanding (MoU) dated 12.12.2024. He states that in the subject FIR No. 541/2016, chargesheet has been filed.

6. He states that a cross-FIR No. 540/2016 has also been filed by the Petitioner No. 1 against Respondent No. 2 and her family members. He states that the next date of hearing before the Trial Court, in the cross-FIR, is 11.03.2025 and the parties will be compounding the offence before the said Court.

7. Respondent No. 2 is also present in Court and is identified by the IO. This Court has interacted with her in vernacular. She confirms that she has executed the MoU and executed an affidavit recording her no objection. She states that keeping in view the fact that there is a cross-FIR No. 540/2016 lodged against her family members she has decided to bury this dispute. She states that she has not made any false allegations against the Petitioner and the complaint was a true representation of the events as they transpired. She states that, however, she is no longer interested in pursuing this matter and wants to put a quietus to the same.

8. In light of the practice directions dated 24.12.2024 issued by the Hon'ble the Acting Chief Justice in relation to dealing with the petitions seeking quashing of FIR based on compromise, the learned Joint Registrar (Judicial) vide order dated 29.01.2025 has recorded that the parties have amicably resolved their disputes and have entered into MoU, as per the details set-out in that order.

9. Keeping in view the nature of the dispute and the fact that the parties have amicably settled the dispute and considering the chances of conviction of the Petitioners being remote and bleak as per the stance taken by



Respondent no. 2, this Court, in line with the law laid down by the Supreme Court in **Gian Singh vs. State of Punjab & Anr.**¹ and also in **Narinder Singh & Ors. vs. State of Punjab & Anr.**², is of the view that there is no purpose continuing with proceedings of the present FIR as it would be an unnecessary burden on the State exchequer. Further this Court is also of the considered opinion that it is a fit case to exercise the discretionary jurisdiction under Section 528 of the BNSS.

10. However, keeping in mind the fact that the FIR was registered in 2016, and the State machinery has been put to motion, ends of justice would be served if the Petitioners are put to cost. Therefore, Petitioner Nos. 1 and 2 shall pay a cost of Rs. 25,000/- to the Delhi High Court Bar Clerks' Association, through the Secretary. In this regard, an affidavit of compliance shall be filed within two (2) weeks from today.

11. Consequently, subject to payment of costs, the FIR No. 541/2016 registered at Police Station (PS) Madhu Vihar, Delhi for offences under Sections 323/341/354B/34 of the Indian Penal Code, 1860 and proceedings emanating therefrom are quashed.

12. Parties shall abide by the terms of MoU.

13. Accordingly, the petition is disposed of in the aforesaid terms, subject to payment of cost of Rs. 25,000/-.

14. Pending application is disposed of as infructuous.

MANMEET PRITAM SINGH ARORA, J

MARCH 4, 2025/msh/AM

Click here to check corrigendum, if any

¹ (2012) 10 SCC 303 at para 57

² (2014) 6 SCC 466 at para 29