



\$~75

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

+ **CRL.M.C. 1105/2025**

DR. UTPAL KANT & ORS.

.....Petitioners

Through: Ms. Poonam Khanna, Adv. for the
petitioners alongwith the petitioners in person.

versus

STATE (NCT OF DELHI) & ANR.

.....Respondents

Through: Mr. Sanjeev Sabharwal, APP for the
State and Ms. Mansi Sharma, Adv.
Mr. Ayaz Ahmed, Adv. For R-2.
R2 in person.
PSI, Manish Giri, PS: GTB Enclave,
Delhi

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

% **27.02.2025**

CRL.M.A. 5043/2025 (Exemption)

1. Allowed, subject to all just exceptions.
2. This application is disposed of.

CRL.M.C. 1105/2025

3. The present petition under Section 528 of the BNSS (Section 482 of the Cr.P.C.) seeks quashing of FIR No. 272/2017 under Sections 323/341/506(II)/34 of the IPC, registered at PS. G.T.B. Enclave, Delhi, and all the other consequential proceedings emanating therefrom including the chargesheet pending before the concerned Court of Ms. Sanghmitra, Judicial Magistrate First Class-01, Shahdara District, Karkardooma Courts, Delhi.
4. Learned counsel for the petitioners submits that the present petitioners



have since compromised their disputes with respondent no. 2 *vide* a Memorandum of Understanding ('MOU') dated 22.08.2024, which has been placed on record. The said MOU records that the settlement between the parties has reached without any consideration.

5. The petitioners and respondent no. 2 are present before the Court today and have been duly identified by their respective counsels, as well as the Investigating Officer, PSI Manish Giri, PS G.T.B. Enclave, Delhi.

6. The Complainant/respondent No.2 states that the matter has been settled with the petitioners and he has no objection if the FIR is quashed against the petitioners. He further states that all the terms of the Memorandum of Understanding ('MOU') have been complied with.

7. The matter was placed before the Joint Registrar who has recorded the statements of both the parties and passed the following order dated 17.02.2025:

"Today, the statement of the parties has been recorded to ascertain their voluntariness and genuineness of entering into the settlement.

FIR No. 272/2017, Under Section 323/341/506(2)/34 IPC, was registered at PS GTB Enclave, Delhi at the instance of Respondent No. 2; and charge-sheet has been filed against the petitioners and charges under Sections 323/341/506(2)/34 IPC stand framed against all the petitioners.

Now, the respondent No. 2 has voluntarily and without any pressure or coercion from anyone, and with the intervention of friends and family members and after obtaining due legal advice settled all his issues and disputes with the petitioner; and out of his free will has entered into compromise/MOU/Settlement dated 22.08.2024 which is on record as Annexure P-2 at page no. 40 to 43 bearing his signatures.

It is stated by the respondent No. 2 that the settlement has arrived at without any monetary or any other



consideration. Respondent No. 2 undertakes not to institute any other civil or criminal proceedings against the petitioners with regards to the incident for which the abovesaid FIR was registered. He also states that he has No-objections whatsoever if the present FIR and all proceedings emanating there from against the petitioners are quashed. He has also given his affidavit in this regard which is at page 21 of the petition bearing my signatures.

Respondent No. 2 is identified by his counsel.

During the course of the proceedings, it was pointed out that all the offences alleged against the petitioners, viz. offences under section's 323/341/506(2)/34 IPC, are compoundable in nature. However, all the petitioners and their Id. Counsel submit before the Court that petitioners are young boys and they are doctors by profession and they have a long future in front of them and they have clean past antecedents and have good reputation and deep roots in the society, therefore, they have approached the Hon'ble High Court seeking quashing of the FIR, instead of compounding the case, which will serve their interests better in future."

8. Learned APP for the State submits that investigation in the present FIR has been completed and the chargesheet has been filed before the Court of competent jurisdiction and further submits that he has also no objection, if the present FIR and the consequent chargesheet pending before the Court of competent jurisdiction is quashed.

9. In *Gian Singh v. State of Punjab*, (2012) 10 SCC 303, the Hon'ble Supreme Court has recognized the need of amicable resolution of disputes by observing as under:-

"61. ... In other words, the High Court must consider whether it would be unfair or contrary to the interest of justice to continue with the criminal proceedings or continuation of criminal proceedings would tantamount to abuse of process of law despite settlement and compromise between the victim and the wrongdoer and whether to



secure the ends of justice, it is appropriate that criminal case is put to an end and if the answer to the above question(s) is in the affirmative, the High Court shall be well within its jurisdiction to quash the criminal proceeding.”

10. In view of the aforesaid circumstances, and that fact that the parties have put a quietus to the dispute, no useful purpose will be served in continuing with the present FIR No. 272/2017, under Section 323/341/506(II)/34 of the IPC, registered at PS. G.T.B. Enclave, Delhi, and all the other consequential proceedings emanating therefrom, including the chargesheet pending before the concerned Court of Ms. Sanghmitra, Judicial Magistrate First Class-01, Shahdara District, Karkardooma Courts, Delhi.

11. In the interest of justice, the petition is allowed, and the FIR No. 272/2017, under Section 323/341/506(II)/34 of the IPC, registered at PS. GTB Enclave, Delhi, and all the other consequential proceeding emanating therefrom, including the chargesheet pending before the concerned Court of Ms. Sanghmitra, Judicial Magistrate First Class-01, Shahdara District, Karkardooma Courts, Delhi, is hereby quashed, subject to cost a of Rs. 5,000/- each (in total Rs. 20,000/-), to be paid by the petitioners to Delhi High Court Bar Association Employees Welfare Fund (A/c no. 15530100010657; IFSC Code: UCBA0001553) within a period of 10 working days from this order.

12. Petition is disposed of.

13. Pending application(s), if any, also stands disposed of.

AMIT SHARMA, J

FEBRUARY 27, 2025/kr/Pc *Click here to check corrigendum, if any*