



\$~88

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

+ CRL.M.C. 1614/2025&CRL.M.A. 7301/2025 (Stay)

ROHIT MIGLANI & ORS.

.....Petitioners

Through: Mr. Rahul, Ms. Shreya Bhardwaj and
Ms. Kashish Munjal, Advocates along
with the petitioners in person.

versus

STATE OF NCT OF DELHI & ORS.

.....Respondents

Through: Mr. Pradeep Gahalot, APP for the
State with SI Ramkesh and SI Vikas,
P.S. Rajouri Garden.
Mr. Prateek Mehta and Mr. Vikas,
Advocates for Respondent nos. 2 and
3.
Respondents nos. 2 and 3 in person.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

% **30.04.2025**

1. This hearing has been done through hybrid mode.

CRL.M.A. 7302/2025 (Exemption)

2. Allowed, subject to all just exceptions. The application is disposed of accordingly.

CRL.M.C. 1614/2025 & CRL.M.A. 7301/2025 (Stay)

3. The present petition under Section 528 of the BNSS (Section 482 of the Cr.P.C.) seeks quashing of FIR no. 727/2018 under Sections 323/354/427/452/506/34 of the IPC, registered at P.S. Rajouri Garden and all other consequential proceedings emanating therefrom, including the chargesheet pending before the Court of Ms. Akansha Gautam, learned Judicial Magistrate, Mahila Court-04, West District, Tis Hazari Courts, Delhi.

This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above.

The Order is downloaded from the DHC Server on 05/05/2025 at 14:45:49



4. Learned counsel appearing on behalf of the petitioners submits that the latter and respondent nos. 2 and 3 are neighbours and on account of some minor dispute, the present FIR was registered at the instance of respondent no. 2.

5. It is submitted that as a result of the said dispute, a cross-FIR bearing no. 728/2018 under Sections 323/354/354A/509/34 of the IPC was also registered at P.S. Rajouri Garden against respondents nos. 2 and 3 at the instance of the wife of petitioner no. 2 herein.

6. It is further submitted that during the pendency of the proceedings, the petitioners have settled the matter with respondent nos. 2 and 3 *vide* a Memorandum of Understanding ('MoU') dated 26.11.2024 and in pursuance of which respondent nos. 2 and 3 have no objection, if the present FIR and the subsequent proceedings emanating therefrom including the chargesheet are quashed.

7. The petitioners, the complainant/respondent no. 2 and the respondent no. 3 are present before Court today and have been duly identified by the Investigating Officer, SI Ramkesh, P.S. Rajouri Garden and their respective counsels.

8. The matter was also placed before the worthy Joint Registrar (Judicial), who had recorded the joint statement of respondent nos. 2 and 3 and passed the following order dated 02.04.2025:

"Today, joint statement of respondent no. 2 & 3 has been recorded to ascertain the veracity and the genuineness of the parties entering into settlement.

The FIR No. 727/2018, Under Section 323/427/452/506/34 IPC was registered at PS Rajouri Garden, Delhi against the petitioners at the instance of respondents. During the course of the investigation. Section 354 IPC was added. The charge sheet has

This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above.

The Order is downloaded from the DHC Server on 05/05/2025 at 14:45:49



been filed in this case and the case is at the stage of consideration on charge.

Both respondents have voluntarily without any pressure or coercion from anyone and with the intervention of friends and colleagues and after obtaining due legal advice entered into MOU/settlement deed executed on 26.11.2024 with the petitioners and have settled all their issues, disputes and grievances with the petitioners. The MOU is on record as Annexure P-2 at page 35 onwards bearing their signatures; however the same have been masked to prevent their identity considering the nature of the case. As per the settlement, the respondents have already received the settlement amount for a sum of Rs. 1,00,000/- and in lieu of which their father has withdrawn civil suit no. CS SCJ 855/2017 titled as Kashmiri Lai Vs. Gautam Anand.

They undertakes to cooperate in the quashing of the abovesaid FIR, subject to the condition that the petitioners herein also cooperate in quashing of the cross FIR registered against their family members bearing no. 728/2018, Under Section 323/354-A/354/509/34 IPC registered at PS Rajouri Garden, Delhi.

Their affidavits of no objection for quashing of the abovesaid FIR against the petitioner is on record at page no. 74-76 bearing their signatures, but the same have been masked. There is no other victim other than us in the abovesaid FIR.

Respondent no. 2 has been identified by his counsel & IO.

This pre verified report along with the petition may be placed before the Hon'ble Court on **30th April, 2025** alongwith the statements recorded today."

9. Respondents nos. 2 and 3 submits that the matter has been settled with the petitioners and they have no objection if the present FIR and the subsequent proceedings emanating therefrom including the chargesheet are quashed.
10. In view of the settlement between the parties, learned APP for the State also has no objection if the present FIR and the subsequent proceedings emanating therefrom including the chargesheet are quashed.
11. In **Gian Singh vs. 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.”

12. In view of the aforesaid circumstances, and the fact that the parties have put a quietus to the dispute, no useful purpose will be served in continuing with the present FIR no. 727/2018 under Sections 323/354/427/452/506/34 of the IPC, registered at P.S. Rajouri Garden and all other consequential proceedings emanating therefrom, including the chargesheet pending before the Court of Ms. Akansha Gautam, learned Judicial Magistrate, Mahila Court-04, West District, Tis Hazari Courts, Delhi.

13. In the interest of justice, the petition is allowed, and the FIR no. 727/2018 under Sections 323/354/427/452/506/34 of the IPC, registered at P.S. Rajouri Garden and all other consequential proceedings emanating therefrom, including the chargesheet pending before the Court of Ms. Akansha Gautam, learned Judicial Magistrate, Mahila Court-04, West District, Tis Hazari Courts, Delhi are hereby quashed.

14. Petition is allowed and disposed of accordingly.

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

AMIT SHARMA, J

APRIL 30, 2025/bsr/Pc

[Click here to check corrigendum, if any](#)

This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above.

The Order is downloaded from the DHC Server on 05/05/2025 at 14:45:49