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

+ **CRL.M.C. 2031/2025&CRL.M.A. 9178/2025 (Stay)**

MAHESH YADAV & ORS.

.....Petitioners

Through: Mr. Nitin Kadyan, Adv. Along with
the petitioners no. 1 to 4 in person.

versus

THE STATE (N.C.T OF DELHI) & ANR.

.....Respondents

Through: Mr. Laksh Khanna, APP for the State.
SI Mohit, Alipur.
Ms. Shivangi Dubey, Adv. for R-2
along with R-2 in person through VC

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

09.04.2025

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1. This hearing has been done through hybrid mode.

CRL.M.A. 9177/2025 (Exemption)

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

CRL.M.C. 2031/2025&CRL.M.A. 9178/2025 (Stay)

3. The present petition under section 528 of the BNSS has been filed for quashing of FIR No. 590/2024, under Section 281,115(2),126(2),3(5) of the BNS, registered at P.S. Alipur.

4. Learned counsel for the petitioners submits that the present petitioners have since settled their disputes with respondent no. 2. He further submits that the compromise has been arrived at between the parties *vide* Memorandum of Understanding ('MOU') dated 07.10.2024. In pursuance of the settlement, respondent no. 2 has no objection if the present FIR is quashed.

5. The petitioners no.1 to 4 and respondent no. 2 are present before the



Court and have been duly identified by their respective counsels, as well as the Investigating Officer, SI Mohit, Alipur.

6. On an oral exemption personal appearance of petitioner no. 5 is exempted on the ground of some personal difficulty.

7. 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 have been complied with.

8. The matter was placed before the Joint Registrar who has recorded the statements of both the parties and passed the following order dated 26.03.2025:

“1. The present non contentious petition has been filed by the petitioners under Section 528 of the Bhartiya Nagarik Suraksha Sanhita, 2023 for quashing of the FIR NO. 590/2024 Under Sections 281,115(3), 126(2),3(5) BNS registered at P.S. Alipur on the basis of settlement arrived at between the parties

2. As per the submissions, the matter between the petitioners and R-2 has been amicably settled. Learned counsel for petitioners submits that petitioners are present through virtual mode today in Court as they are doctors and doing 30 hours shift.

3. Petitioners submit that dispute between them and R-2 has been amicably settled as per the settlement deed dated 07.10.2024. The settlement has been arrived at between the parties herein without any force, coercion, undue influence and pressure. Vide separate statement This is recorded in this behalf, R-2 stated that dispute between him and petitioners has been amicably settled as per the settlement deed dated 07.10.2024. The settlement has been arrived at between the parties herein without any force, coercion, undue influence and pressure. He has signed the settlement deed with his wish and will.

4. Investigating Officer is present in Court and has duly verified the identity of both the parties. Vide separate statement recorded in this behalf, Investigating Officer stated that the charge sheet has been filed in the present matter. She identified the prosecutrix/victim/R-2. She has also identified the petitioners who are accused in the



present matter. She has also verified the settlement deed executed between the parties.

5. The parties along with their counsels have confirmed that the settlement deed has been duly entered into between them.

6. Learned counsel for State/APP enters appearance and accepts notice. He submits that in view of the statement recorded, let the matter be placed before the Hon'ble Court.

7. The compromise/settlement deed is in writing and has been duly signed by both the parties. I have heard both the parties and from the direct dialogue with both the parties, it is observed that the consent of both the parties is found to be genuine and has not been obtained under undue influence or pressure.

8. In view of the above, matter be placed before the Hon'ble Court on 09.04.2025.”

9. Learned APP for the State submits that investigation in the present FIR is pending and chargesheet is yet to be filed. In view of the settlement between the parties, learned APP for the State has no objection if the present FIR is quashed.

10. 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.”

11. 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. 590/2024, under Section



281,115(2),126(2),3(5) of the BNS, registered at P.S. Alipur.

12. In the interest of justice, the petition is allowed, and FIR No. 590/2024, under Section 281,115(2),126(2),3(5) of the BNS Act, registered at P.S. Alipur, is hereby quashed.

13. Petition is disposed of.

14. Pending application(s), if any, also stand disposed of.

AMIT SHARMA, J

APRIL 9, 2025/kr/pr

Click here to check corrigendum, if any