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

+ **CRL.M.C. 3142/2025**

OMID NAZARI & ANR.

.....Petitioners

Through: Mr. Zahied F. Chouhan, Ms. Iqura Khan and Ms. Nida Parveen, Advocates alongwith petitioners in person.

versus

STATE (NCT OF DELHI) & ANR.

.....Respondents

Through: Mr. Pradeep Gahalot, APP for the State.
SI Sanjeet Rathee, PS Malviya Nagar.
Mr. Sahil Vij, Advocate for R-2 through VC.
R-2 through VC.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

% **02.07.2025**

1. This hearing has been done through hybrid mode.

CRL.M.A. 13841/2025 (Exemption)

2. Allowed, subject to all just exceptions. Application is allowed and disposed of.

CRL.M.C. 3142/2025

3. The present petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 has been filed seeking the following prayers: -

“a) Allow the present Petition and may kindly Quash the F.I.R With F.I.R Bearing No. 523 Of 2024, Dated 22.10.2024, Registered At Police Station: Malviya Nagar, under Section (s) 309(6) And 3(5) of the Bhartiya Nyaya Sanhita, 2023.

b) Quash the Chargesheet Dated 17.01.2025, filed on 19.01.2025 qua



FIR No. 523/2024, P.S. Malviya Nagar, under Section (s) 309(6), 317(2), 3(5), of BNS.

c) Quash the Supplementary Chargesheet Dated 10.02.2025, filed on 11.02.2025, qua FIR No. 523/2024, P.S. Malviya Nagar, under Section (s) 309(6), 3(5) And 317 (2), of BNS.

d) Quash the Criminal Case bearing No. Cr. Cases/266/2025, titled As “State Vs Ali Taraq And Anr”, pending before the Learned JMFC-02, South, Saket Courts, New Delhi.

e) Quash all the Proceeding(S) Arising/Emanating from the F.I.R Bearing No. 523 Of 2024, Dated 22.10.2024, Registered At Police Station: Malviya Nagar, under Section (s) 309(6) And 3(5), in the interest of justice.

f) May grant such other or further relief(s) as this Hon’ble Court may deem fit, expedient and or proper in the facts and circumstances governing the present case.”

4. Learned counsel for the petitioners submits that the present FIR was registered on account of parking dispute between the latter and respondent no.2. It is further submitted that the usual route to Okhla Subzi Mandi on the said day was blocked due to the laying of the construction material. It is further submitted that the parties have since arrived at a settlement *vide* Memorandum of Settlement dated 29.04.2025 and in pursuance of the same, respondent no.2 has no objection if the present FIR along with pending chargesheet is being quashed. He further submits that the petitioners have refugee status in India and are presently under consideration to be relocated to Canada in a proposal initiated by UNHCR. Further, the petitioners and respondent no.2 were residing in the same vicinity and that the petitioners have clean antecedents. Learned counsel for the petitioner has handed up in Court today, I card issued by UNHCR of the petitioners as well as the biometric instruction letter required for their relocation to Canada. The said I-cards are taken on record alongwith other documents.



5. Petitioners are present before the Court and complainant/respondent no. 2 has appeared through video conferencing and have been duly identified by the Investigating Officer, SI Sanjeet Rathee, PS Malviya Nagar.

6. The present petition was listed before the Joint Registrar (Judicial) on 27.05.2025 who, after recording the statements of the parties, has passed the following order: -

“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. 523/2024 Under Sections 309(6)/3(5) of BNS Added via Chargesheet -317(2) of BNS registered at P.S. Malviya Nagar on the basis of settlement arrived at between the parties.

2. Learned counsel for petitioners submits that P-1 and 2 were in judicial custody earlier and have now been enlarged on bail vide order of learned Trial Court. As per the submissions, the matter between the petitioners and R-2 has been amicably settled.

3. Vide separate statement recorded in this behalf, petitioners stated that dispute between them and R-2 has been amicably settled as per the settlement deed dated 29.04.2025. The settlement has been arrived at between the parties herein without any force, coercion, undue influence and pressure they have signed the settlement deed with their wish and will. Vide separate statement recorded in this behalf, R-2 stated that dispute between R-2 and petitioners has been amicably settled as per the settlement deed dated 29.04.2025. The settlement has been arrived at between the parties herein without any force, coercion, undue influence and pressure. The settlement deed has been signed with wish and will.

4. Investigating Officer is present in Court and has duly verified the identity of both the parties. Separate statement of Investigating Officer has also been recorded.

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 02.07.2025."

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. He further states that all the terms of the agreement have been complied with.

8. 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."

9. Since, the parties have put a quietus to the dispute, no useful purpose will be served in continuing with the present FIR No. 523/2024, under Sections 309(6)/317(2)/3(5) of the BNS, registered at Police Station Malviya Nagar and all other consequential proceedings emanating therefrom, including the chargesheet pending before the Court of Sh. Bhanu Partap Singh, learned JMFC, South, Saket Courts, Delhi.

10. In the interest of justice, the petition is allowed, and the FIR No. 523/2024, under Sections 309(6)/317(2)/3(5) of the BNS, registered at Police Station Malviya Nagar and all other consequential proceedings emanating therefrom, including the chargesheet pending before the Court of Sh. Bhanu



Partap Singh, learned JMFC, South, Saket Courts, Delhi, is hereby quashed.

11. Petition is allowed and disposed of accordingly.
12. Pending application(s), if any, also stand disposed of.

AMIT SHARMA, J

JULY 02, 2025/ns

Click here to check corrigendum, if any