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

+ **W.P.(CRL) 1578/2024 & CRL.M.A. 15317/2024**

MANOJ KUMAR & ORS.

.....Petitioners

Through: **Mr. Kunal Mittal, Advocate.**

versus

STATE NCT OF DELHI AND ANR

.....Respondents

Through: **Mr. Sanjay Lao, Standing Counsel
(Crl.) for the State with SI Gajal
Chugh PS Krishna Nagar, Delhi.
Mr. Amar Chauhan, Advocate for
R-2 with R-2 in person**

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER
15.01.2025

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1. The present petition has been filed on behalf of Petitioners under Article 226 of the Constitution of India seeking quashing of FIR No. 67/2020, dated 10.02.2020 registered at Police Station Krishna Nagar for offence under Section 354/354(B)/509/506/323/34 of the Indian Penal Code, 1860 (IPC) on the basis settlement deed dated 06.04.2021 which is on record of this Court.

2. Learned counsel for the Petitioner states that settlement dated 06.04.2021 has been signed by the parties. He states that in fact cross FIR No. 66/2020 already stands quashed by a coordinate Bench of this Court vide order dated 15.05.2023 passed in W.P.(CRL) 408/2023. He states that all the terms and conditions of the settlement deed dated 06.04.2021 have been performed between the parties and there are no remaining obligations



to be performed.

3. Respondent no. 2 is present in Court and she has been identified by her counsel and the Investigating Officer ('IO'). Respondent no. 2 as well confirms the settlement deed dated 06.04.2021 and states that Respondent no. 2 has no objection to the recording of the settlement. Since the petition is not supported by an affidavit of Respondent no. 2, therefore, a fresh affidavit duly executed by Respondent no. 2 has been handed over during the course of hearing. The Court Master is directed to take the same on record and send it to the registry.

4. The order dated 15.05.2023 passed in W.P.(CRL) 408/2023 reads as under:

"1. The present petition has been filed by the petitioners under Article 226 of the Constitution of India read with Section 482 Cr.P.C. for quashing of FIR No. 66/2020, under Sections 354/354B/509/506/323/34 IPC, registered at Police Station Krishna Nagar, Delhi, and all proceedings emanating therefrom.

2. On the complaint of respondent no.2, the aforesaid FIR was registered against the petitioners.

3. Learned counsel for the petitioners submits that during the pendency of the trial, with the intervention of mediation of common friends, and elder persons of the society, the parties have settled the matter amicably in terms of the Settlement Agreement dated 07.04.2021 arrived at Mediation Centre, Karkardooma Courts, Delhi. A copy of the said settlement is placed on record.

4. Petitioners and Respondent No.2 are present in Court today and they have been identified by the IO. I have interacted with the parties and they submit that they have settled their disputes. Respondent No.2 admits that she has settled the matter amicably with the petitioners. She further submits that the settlement/compromise has taken place voluntarily, without any force, pressure or coercion. As per MoU/Settlement Agreement, a key of the locks of all the shutters leading to ground, first and second floor of the shop no 510 Kucha Bulaki Begum, Dariba Kalan, Delhi has been handed over to the husband of the respondent no. 2. Respondent No.2 submits that nothing remains to be adjudicated further between them and she has



no objection if the FIR in question is quashed.

5. Learned APP for the State submits that in view of the settlement, the State has no objection if the FIR in question be quashed.

6. Keeping in view the above facts and circumstances, since the matter has been amicably settled between the parties, no useful purpose will be served by keeping the case pending. It will be nothing but abuse of the process of law. Consequentially, this petition is allowed, subject to costs of ₹15,000/- to be deposited by the petitioners with the Delhi High Court Legal Services Committee within a week from today. Upon placing on record the proof of deposit of costs within two weeks thereafter and handing over its copy to the Investigating Officer, FIR No. 66/2020, under Sections 354/354B/509/506/323/34 IPC, registered at Police Station-Krishna Nagar, Delhi, and all proceedings emanating therefrom shall stand quashed.

7. The present petition stands disposed of accordingly. Dasti.”

(Emphasis Supplied)

5. 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, this Court is, therefore, of the view that there is no use continuing with proceedings of the present FIR as it would be misuse of the process of the Court and an unnecessary burden on the State exchequer. It will be nothing but abuse of the process of law. Further this Court is also of the considered opinion that it is a fit case to exercise discretionary jurisdiction under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

6. However, keeping in mind the fact that the State machinery has been put to motion, ends of justice would be served if the petitioners are put to cost. Consequentially, this petition is allowed, subject to costs of ₹15,000/- to be deposited by the petitioners with the Delhi High Court Legal Services Committee within a week from today. Upon placing on record the proof of deposit of costs within two weeks thereafter and handing over its copy to the



Investigating Officer, FIR No. 67/2020, under Sections 354/354B/509/506/323/34 IPC, registered at Police Station-Krishna Nagar, Delhi, and all proceedings emanating therefrom shall stand quashed.

7. Parties shall abide by the terms of settlement.
8. Pending application is disposed of as infructuous.
9. The digitally signed copy of this order, duly uploaded on the official website of the Delhi High Court, www.delhihighcourt.nic.in, shall be treated as a certified copy of the order for the purpose of ensuring compliance. No physical copy of order shall be insisted by any authority/entity or litigant.

JANUARY 15, 2025/hp/ms **MANMEET PRITAM SINGH ARORA, J**
Click here to check corrigendum, if any