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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 6346/2022**
NISHA SHARMA & ANR.Petitioners

Through: Mr. Tushar Gupta, Mr. Sumit Mishra
and Mr. P. Gupta, Advocates

versus

STATE OF NCT OF DELHI & ANR.Respondents

Through: Mr. Naresh Kumar Chahar, APP for
the State with SI Priyank Rana, P.S.
Daryaganj
Complainant/R-2 in person alongwith
Ms. Aishwarya Rao and Ms. Mansi
Rao, Advocates for R-2

CORAM:
HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

ORDER
% **17.02.2025**

CRL.M.A. 4980/2025 (exemption)

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

CRL.M.A. 4979/2025 (to take Settlement Agreement on record)

3. By way of present application under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereafter '*BNSS*'), the applicant seeks to place on record settlement agreement on record and prays that a directed be passed for quashing of proceedings in CIS No.19865/2018 titled '*Ashok Kumar Sharma v. State*'.
4. The parties states that the matter has been settled between them.



Settlement agreement is taken on record.

5. Accordingly, the present application stands disposed of.

CRL.M.C. 6346/2022

6. The instant petition under Section 482 of the Code of Criminal Procedure, 1973 (hereafter '*Cr.P.C.*') has been filed on behalf of petitioners seeking setting aside the impugned order dated 17.09.2022 in CR No.324/2022 passed by the learned Special Judge (NDPS)-02, Central District, Tis Hazari Courts, Delhi and quashing of summoning order dated 02.09.2021 issued against the petitioners, by the learned Metropolitan Magistrate, Tis Hazari Courts, Central District, Delhi in CIS No.19865/2018 titled '*Ashok Kumar Sharma v. State*'.

7. All petitioners are present before this Court and have been identified by their counsel Mr. Tushar Gupta and Investigating Officer (IO) SI Priyank Rana from Police Station Daryaganj, Delhi.

8. Brief facts of the present case are that the parties are the children and the legal heirs of late Sh. Lal Chand Sharma, who died on 01.07.2011 and late Smt. Dayawati Sharma, who died on 12.03.2021, and had left behind the property bearing no. XI/4314, Gali Kayasathan, 3 Ansari Road, Daryaganj, New Delhi-110002. It is stated that several disputes had arisen between the parties. Respondent no.2 had filed a complaint with the police on 11.01.2018 alleging that the petitioners had tried to trespass into the property and had damaged the water tanks. The learned Metropolitan Magistrate *vide* order dated 02.09.2021 had issued summons against the petitioners for offence punishable under Sections 448/451/425/426/34 IPC. It is stated that with the intervention of the commons friends and well wishers, parties arrived at a settlement *vide* Memorandum of Understanding dated 21.01.2025.



9. On a query made by this Court, respondent no. 2 who has been identified by the IO, has categorically stated that he has entered into compromise out of his own free will and without any pressure, coercion or threat. It is also stated by respondent no.2 that the entire dispute has been amicably settled between the parties *vide* Memorandum of Understanding dated 21.01.2025. Respondent no.2 further states that he has no objection, if the present summoning order dated 02.09.2021 issued against the petitioners is quashed.

10. In view of the above fact that the parties have amicably resolved their differences of their own free will, and without any coercion, no useful purpose will be served by continuing the proceedings, rather the same would create further acrimony between them. It would thus be in interest of justice to quash the abovementioned FIR and the proceedings pursuant thereto. There is no legal impediment in quashing the FIR in question.

11. Accordingly, the summoning order dated 02.09.2021 issued against the petitioners, by the learned Metropolitan Magistrate, Tis Hazari Courts, Central District, Delhi in CIS No.19865/2018 titled '*Ashok Kumar Sharma v. State*' and all consequential proceedings emanating therefrom are quashed.

12. In view of above, the present petition stands disposed of.

13. Earlier dated fixed i.e. 01.04.2025 stands cancelled.

14. The order be uploaded on the website forthwith.

SWARANA KANTA SHARMA, J
FEBRUARY 17, 2025/ns

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