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

+ **W.P.(CRL) 3430/2024 & CRL.M.A. 32975/2024**

MAHIPAL SINGH & ORS.

.....Petitioners

Through: Mr. Sushil Kumar Singh, Advocate
(through VC) with P-1, 2, 3, 4 and 5
in person

versus

**THE STATE GOVT. OF NCT OF DELHI AND
ANR.**

.....Respondents

Through: Mr. Sanjay Lao, Standing Counsel
(Crl.) for the State with Ms. Priyam
Agrawal, Mr. Abhinav Arya and Mr.
Aryan Sachdeva, Advocates
SI Ashish Panwar and SI Sanjeev,
P.S. Ghazipur
Mr. Jogender Singh and Mr. Anuj
Kumar Lohia, Advocates for R-2 with
Ms. Pushpa, R-2 in person

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

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21.01.2025

CRL.M.A. 32975/2024 (for exemption)

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

W.P.(CRL) 3430/2024

3. The Petition has been filed on behalf of the Petitioner under Article 226 of the Constitution of India seeking quashing of FIR No. 0203/2024 dated 06.06.2024 registered at Police Station Ghazipur, East Delhi for



offences under Sections 308/34 of the Indian Penal Code, 1860 (IPC). The said FIR was registered on a complaint filed by Respondent No. 2.

4. Petitioner Nos. 1, 2, 3, 4 and 5 are present in Court and have been identified by the Petitioner's counsel as well as Investigating Officer (IO).

5. Learned counsel for the Petitioner states that there is also a cross-FIR No. 0204/2024 dated 06.06.2024 registered at Police Station Ghazipur, East Delhi and with respect to the said cross FIR, separate quashing petition i.e., W.P.(CRL) 3460/2024 has been filed.

6. Learned Standing Counsel for the State submits that no chargesheet has been filed in the present matter and this was a dispute which had arisen between two neighbours.

7. Learned counsel for the parties state that the parties are neighbours and they have amicably resolved the matter with the intervention of friends. It is stated that the parties have been living as neighbours for last many years and have agreed to bury the hatchet.

8. The parties are present in Court. This Court has interacted with the parties and they have confirmed the settlement. The complainant i.e. Respondent No. 2 as well is present in person and states that she has no objection to the FIR No. 0203/2024 being quashed. An affidavit in this regard was also filed by her.

9. 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 petitioner being remote and bleak, 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.

10. Accordingly, the petition is allowed. Consequently, the FIR No. 0203/2024 dated 06.06.2024 registered at Police Station Ghazipur, East Delhi for offences under Sections 308/34 of the IPC and proceedings emanating therefrom are quashed.

11. Accordingly, the petition is disposed of.

12. Pending applications (if any) is disposed of as infructuous

MANMEET PRITAM SINGH ARORA, J

JANUARY 21, 2025/msh/ms

Click here to check corrigendum, if any