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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(CRL) 243/2025 & CRL.M.A. 2094-2095/2025**

RAVIDER KUMAR & ORS.

.....Petitioners

Through: Mr. Tushar Pahadia, Mr. Anuj Siwas,
Advocates

versus

STATE GOVT. OF NCT OF DELHI AND ANR.Respondents

Through: Mr. Amol Sinha, ASC (CrI.) for the
State
SI Raghuraj Singh, P.S. Sangam
Vihar

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

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22.01.2025

1. The present petition has been filed under Article 226 of the Constitution of India read with Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 ('BNSS') seeking quashing of FIR No. 0523/2024 dated 01.11.2024 registered at Police Station (PS) Sangam Vihar for offences under Sections 115(2)/126(2)/304(2)/223(B)/3(5) of the Bharatiya Nyaya Sanhita, 2023 (BNS) on the basis of the terms of settlement recorded in Memorandum of Understanding ('MoU') dated 18.01.2025 which is annexed with this petition as 'Annexure B'.

2. Petitioner Nos. 1, 2, 3, 4, 6, 7 and 8 are present in Court have been identified by their counsel and the Investigating Officer (IO).

3. Respondent No. 2 is also present in Court and has been identified by the counsel as well as the IO. Respondent No. 2 states that he has no objection to the FIR being quashed. An affidavit in this regard is also filed by him which is annexed with the present Petition.



4. Learned counsels for the parties state that parties are all neighbours and the dispute between the parties has been amicably resolved. It is further stated that with the above said settlement no dispute remains for adjudication between the parties.

5. The parties who are present before this Court today have expressed remorse and regret for their respective conduct and the incident which led to the filing FIR and Cross-FIR no. 0525/2024 and have submitted that the said incident happened in the heat of the moment. Both the parties being neighbours have agreed to maintain cordial relations with each other in future.

6. 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 captioned 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 BNSS.

7. The Petitioners shall pay a total cost of Rs.15,000/- within three (3) weeks from today in Delhi High Court Bar Clerks' Association, through the Secretary. In this regard, an affidavit of compliance shall be filed within two (2) weeks thereafter.

8. Accordingly, the petition is allowed. Consequently, the FIR No. 0523/2024 dated 01.11.2024 registered at Police Station Sangam Vihar for offences under Sections 115(2)/126(2)/304(2)/223(B)/3(5) of the BNS and proceedings emanating therefrom are quashed.



9. Parties shall abide by and are bound down to the terms of settlement recorded in the MoU dated 18.01.2025
10. Accordingly, the petition is disposed of subject to payment of cost of Rs. 15,000/- as directed in paragraph 7 above.
11. Pending application is disposed of as infructuous.
12. 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.

MANMEET PRITAM SINGH ARORA, J

JANUARY 22, 2025/msh/sk

Click here to check corrigendum, if any