



2025:DHC:3000



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

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Date of decision: 28.04.2025

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CRL.M.C. 98/2025

SH. NARESH KUMAR & ORS.PetitionersThrough: Mr. Manish Kadyan, Advocate.
Petitioners in person.

versus

THE STATE (NCT OF DELHI) & ANR.

... Respondents

Through: Mr. Satinder Singh Bawa, APP
for the State with SI Saneh,
P.S.Baba Haridas Nagar.
R-2 in person.**CORAM:****HON'BLE MR. JUSTICE RAVINDER DUDEJA****JUDGMENT (ORAL)****RAVINDER DUDEJA, J.**

1. This is a petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, seeking quashing of FIR No. 0352/2024, dated 19.10.2024, registered at P.S Baba Haridas Nagar under sections 115(2)/74/76/79 BNS, 2023 and all proceedings emanating therefrom on the basis of settlement between the parties.

2. It is submitted that petitioner no.1 and the associate of the respondent no.2 namely Hitesh Kumar Singh entered into an Agreement to Sell dated 13.08.2024. The respondent no.2 was also present during the deal and was also the witness in the aforesaid sale



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agreement. It is further submitted that after the sale agreement, certain terms and conditions were imposed between the parties and due to delay in payments, conflicts arose between the parties. Thereafter, the respondent no.2 lodged FIR No. 0352/2024 dated 19.10.2024, registered at P.S Baba Haridas Nagar under sections 115(2)/74/76/79 BNS, 2023.

3. During the proceedings, the parties amicably resolved their disputes with the intervention of their families and relative and have reached a Settlement Deed/Memorandum of Understanding dated 13.12.2024. In pursuance of the Settlement Deed/MoU, it is agreed that the petitioner no.1 will file a quashing petition before this Court and the respondent no. will give her NOC for quashing of FIR No. 0352/2024. It is also agreed that the parties will continue their property deal and shall not put anything against each other on social media. It is submitted that all the previous complaints and litigations initiated by the parties have been withdrawn and all conditions of the Settlement Deed/MoU have been fulfilled. The copy of the Settlement Deed/MoU dated 13.12.2024 has been placed on record as Annexure-C.

4. The matter was placed before the Joint Registrar, who has recorded the statements of both the parties and passed the following orders:-

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Today, statement of respondent no. 2 & victim/injured have been recorded to ascertain the veracity and the genuineness of the parties entering into settlement.

Respondent no. 2 lodged FIR bearing no. 0352/2024, Under Section 115(2)/74/76/79 of Bharatiya Nyaya Sanhita BNS, 2023 (Under Section 354/323/341/34 IPG) registered at PS Baba Haridas Nagar, Delhi against the petitioners. The charge sheet has been filed against the petitioners.

Respondent no. 2 states that she has voluntarily and without any pressure or coercion from anyone and with the intervention of friends and well wishers settled all her issues and disputes with all the petitioners; and out of her free will have entered into compromise/MOU/Settlement dated 13.12.2024 which is on record as Annexure C at page no. 38-41 bearing her signatures, however the same have been masked to prevent revealing of her identity.

Respondent no. 2 further states that she has voluntarily and amicably resolved all her issues and disputes with the petitioner without any monetary or any other consideration. Respondent no. 2 states that she does not wish to pursue FIR No. 0352/2024, Under Section 115(2)/74/76/79 of Bharatiya Nyaya Sanhita BNS, 2023 (Under Section 354/323/341/34 IPG) registered at PS Baba Haridas Nagar, Delhi against the petitioner.

Respondent no. 2 undertakes to cooperate in the quashing of the abovesaid FIR. Respondent no. 2 shall fully cooperate in quashing of the abovesaid FIR and raise no claim in future through any civil or criminal litigation with regards to the incident relating to the present FIR. Respondent no. 2 has given affidavit of no objection for quashing of the abovesaid FIR against the petitioners is on record at page no. 19-20 bearing her signatures.

The other victim in his statement recorded today has also given his NOG for quashing of the abovesaid FIR.

Respondent no. 2 & victim/injured has been identified by 10.

This pre verified report along with the petition may be placed before the Hon'ble Court on 28th April, 2025 alongwith the statements recorded today.



5. Petitioners and respondent no.2 are physically present before the Court. They have been identified by their respective counsels as well as by the Investigating Officer SI Saneh from PS Baba Haridas Nagar.

6. Respondent no. 2 submits that the matter has been settled with the petitioners without any force, fear, coercion and she has no objection if the FIR No. 0352/2024 is quashed against the petitioners.

7. In view of the settlement between the parties, learned Additional PP appearing for the State, also has no objection if the present FIR No. 0352/2024 is quashed.

8. In *Gian Singh Vs. State of Punjab (2012) 10 SCC 303*, 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 proceedings."

9. In view of the aforesaid circumstances and the fact that parties have put a quietus to the dispute, no useful purpose will be served in continuing with the present FIR No. 0352/2024 dated 19.10.2024,



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registered at P.S Baba Haridas Nagar under sections 115(2)/74/76/79 BNS, 2023 and all the other consequential proceeding emanating therefrom.

10. In the interest of justice, the petition is allowed, and the FIR No. 0352/2024 dated 19.10.2024, registered at P.S Baba Haridas Nagar under sections 115(2)/74/76/79 BNS, 2023 along with the charge sheet and all the other consequential proceeding emanating therefrom is hereby quashed subject to the petitioners depositing cost of Rs.10,000/- with Delhi Legal Services Authority within 15 days from today.

11. Petition is allowed and disposed of accordingly.

12. Pending application(s), if any, also stand disposed of.

RAVINDER DUDEJA, J

APRIL 28, 2025/ak