



\$~5

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

+ CRL.M.C. 2366/2023, CRL.M.A. 8942/2023

MD. SHARFRAJ AND ORS. Petitioner

Through: Mr. Atul Sharma, Advocate with
petitioner in person

versus

STATE GOVT OF NCT OF DELHI AND ANR. Respondents

Through: Ms. Meenakshi Dahiya, APP for the
State with SI Akhil Chaudhary PS
Seelampur with R-2 in person

CORAM:

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

07.11.2023

%

1. The petitioners vide the present petition under Section 482 of the Code of Criminal Procedure, 1973 seek quashing of FIR No.70/2018 dated 22.03.2018 under Sections 323/354/354A/509/506/34 IPC at P.S. Seelampur, Delhi and all proceeding emanating therefrom in view of the Memorandum of Understanding dated 14.11.2022 arrived at between the parties.

2. This petition is accompanied by the Memorandum of Understanding dated 14.11.2022 [Annexure-P-4] and is also supported by affidavits of all the petitioners and of respondent no.2, alongwith proofs of their respective I.Ds.

CRL.M.C. 2366/2023

Page 1 of 3



3. Petitioner nos. 1 to 5 as also respondent no.2 are present in Court and have been identified by the IO. Their credentials have been verified by this Court.

4. Issue Notice.

5. Learned APP for the State accepts notice. She confirms that she has no objection to the quashing of the said FIR.

5. Respondent no.2 affirms the Memorandum of Understanding dated 14.11.2022 and submits that she has voluntarily settled all disputes with the petitioners. She further states that she does not wish to pursue the criminal proceedings against the petitioners and has no objection to the quashing of the present FIR.

6. Considering the peculiar facts of the case that the parties involved herein are neighbours and that the FIR was filed as a result of some misunderstandings which arose between the parties, even though this Court is mindful that the FIR has been registered under Section 354 IPC, this Court is inclined to quash the present FIR in exercise of its inherent powers under Section 482 Cr.P.C., particularly when in the opinion of this Court, the same will be in the interest of the parties and betterment of their future. Thus, in view of the fact that the settlement has been arrived at between the parties, and as the respondent no.2 does not wish to continue with the criminal proceedings, in order to bring quietus to the present disputes and following the law laid down by the Hon'ble Supreme Court in *Gian Singh vs. State of Punjab & Anr.* (2012) 10 SCC 303 and *Narinder Singh & Ors. vs. State of Punjab & Anr.* (2014) 6 SCC 466, and as also held by a Co-ordinate Bench of this Court in *Shyam Kishore CRL.M.C. 2366/2023*

Page 2 of 3



Singh vs. Govt. NCT of Delhi 2023 SCC OnLine Del 4072, this Court is of the opinion that continuation of the aforesaid FIR will be an exercise in futility

7. Accordingly, the petition is allowed and FIR No.70/2018 dated 22.03.2018 under Sections 323/354/354A/509/506/34 IPC at P.S. Seelampur, Delhi and all proceeding emanating therefrom are quashed, subject to the petitioners providing small purses to all the girl students and small pouches to all the boy students studying in three schools namely, C.R Dass School, New Seelampur, Delhi-53, Govt. Marginal Bandh School for Boys and Girls, New Seelampur, Delhi and Nagar Nigam Bal Vidhyalya, New Seelampur, Delhi.

8. The petition alongwith the pending application stands disposed of.

9. List for compliance on 18.12.2023.

SAURABH BANERJEE, J

NOVEMBER 7, 2023/Pt

CRL.M.C. 2366/2023

Page 3 of 3