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

+ **W.P.(CRL) 1640/2021**

VIKAS BADESARA & ORS.

..... Petitioners

Represented by: Mr.Mohit Mathur, Sr.Advocate with
Mr.Jitender Solanki, Mr.Rajesh
Kaushik and Mr.Ashok Kailashi,
Advocates with petitioner Nos.1, 2, 3,
5 to 11 and 13 in person.
Petitioner Nos.4 and 12 present
through video conferencing.

versus

STATE & ORS.

..... Respondents

Represented by: Ms.Richa Kapoor, Additional
Standing Counsel for State with
Ms.Shivani Sharma and Ms.Surabhi
Katyal, Advocates with SI Mehrab
Alam, DIU, Dwarka.
Mr.Jai Singh Yadav, Advocate for
respondent Nos.2 and 3 with
respondent Nos.2 and 3 in person.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

% **01.09.2021**

The hearing has been conducted through Physical Mode.

CRL.M.A.13661/2021 (exemption)

Allowed, subject to all just exceptions.

W.P.(CRL) 1640/2021

CRL.M.A.13660/2021 (stay)

1. By the present petition, petitioners seek quashing of FIR No.451/2019 under Sections 323/341/325/308/506/34 IPC registered at PS Dwarka South, Delhi on the complaint of respondent No.2 and the proceedings pursuant

thereto on the ground that the parties have settled the matter.

2. Issue notice.

3. Ms. Richa Kapoor learned Additional Standing Counsel for the State accepts notice. On instructions from Investigating Officer she submits that in the above-noted FIR, thirteen petitioners are the only accused and the respondent No.2 the complainant/victim and respondent No.3 the other victim and no other person is involved. She further states that in the FIR 10-12 other persons were mentioned however, no other person was identified during the investigation since CCTV footages were not provided. She states that the above-noted FIR was registered after a scuffle ensued at the time of elections of Bar Association at the Dwarka Court in which tooth of respondent No.2 was broken due to which Section 325 IPC was invoked however, the rest of the injuries were simple in nature and since one of the accused was allegedly possessing an iron instrument Section 308 IPC was invoked.

4. Respondent Nos.2 and 3 are present in Court and are identified by the learned counsel and the investigating officer. They state that they have settled the matter with the petitioners vide Memorandum of Understanding dated 6th March, 2021, copy whereof is annexed as Annexure-P3 to the present petition and in view of the settlement arrived at between the parties, they do not wish to pursue the above noted FIR and the proceedings pursuant thereto. They state that they have no objection to the FIR in question being quashed subject to the petitioners complying with their undertaking that they will withdraw complaint case No.4119/2020 filed against the respondent Nos. 2 and 3.

5. Petitioner Nos.1, 2, 3, 5 to 11 and 13 who are present in Court and

petitioner Nos.4 and 12 who are present through video conferencing and are identified by the learned counsel affirm the statement of respondent Nos.2 and 3 and undertake to abide by the terms of settlement arrived at between the parties. They further state that Complaint Case No.4119/2020 will be withdrawn within one week. They also assure that no such misbehaviour will take place in future and to show remorse they undertake to deposit cost.

6. In view of the fact that the parties have amicably resolved their differences of their own free will, volition and without any coercion and no useful purpose will be served in continuance of the proceedings, it would be in the interest of justice to quash the abovementioned FIR and the proceedings pursuant thereto. There is no legal impediment in quashing the FIR in question.

7. Consequently, FIR No.451/2019 under Sections 323/341/325/308/506/34 IPC registered at PS Dwarka South, Delhi and proceedings pursuant thereto are hereby quashed subject to the petitioners depositing a cost of ₹1,000/- (Rupees one thousand only) each or a consolidated cost of ₹13,000/- (Rupees thirteen thousand only) with Dwarka Court Bar Association Account with State Bank of India within two weeks.

8. Petition and application are disposed of.

9. Order be uploaded on the website of this Court.

MUKTA GUPTA, J.

SEPTEMBER 01, 2021

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