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

+ CRL.M.C. 5031/2023

68 SHRI NARENDER JHA & ORS. .... Petitioners

Through: Mr. Arpit Jain and Mr. Ajay Kapoor,  
Advs. with petitioners.

versus

STATE OF NCT OF DELHI & ORS. .... Respondents

Through: Mr. Hemant Mehla, APP for State  
and SI Sita Ram, PS Karawal Nagar.  
Mr. S.S. Sastry, Mr. Brijesh Tiwari  
and Mr. Rajesh Pandit, Advs. for R-2,  
3 & 4.

+ CRL.M.C. 5035/2023

69 SHRI ARPIT KUMAR JAISWAL & ORS. .... Petitioners

Through: Mr. S.S. Sastry, Mr. Brijesh Tiwari  
and Mr. Rajesh Pandit, Advs. with  
petitioners.

versus

STATE OF NCT OF DELHI & ORS. .... Respondents

Through: Mr. Hemant Mehla, APP for State  
and SI Sita Ram, PS Karawal Nagar.  
Mr. Arpit Jain and Mr. Ajay Kapoor,  
Advs. with respondents.

% *Date of Decision: 24.07.2023.*

**CORAM:**

**HON'BLE MR. JUSTICE DINESH KUMAR SHARMA**



## **J U D G M E N T**

**DINESH KUMAR SHARMA, J. (Oral)**

**CRL.M.A. 19125/2023**

**CRL.M.A. 19129/2023**

Exemption allowed subject to just exceptions.

**CRL.M.C. 5031/2023**

**CRL.M.C. 5035/2023**

1. The present petitions have been filed seeking quashing of case FIR No. 85/2017 under Sections 452/323/506/34 IPC registered at PS Karawal Nagar and FIR No. 84/2017 under Sections 308/323/34 IPC registered at PS Karawal Nagar.
2. The factual matrix in brief as is alleged by Arpit Jaiswal in the FIR that on 04.03.2017 the petitioner Vinod Jha and his sons Narender Jha and Satendra Kumar Jha came in front of his house and asked for their IDs for the purpose of getting them blankets which was to be distributed by the Congress Party Candidate. However, the complainant said that they are the supporters of another political party. Both the parties initially entered in the verbal dispute, and it is alleged that thereafter the petitioners started beating the complainant party.
3. Further, in FIR No. 85/2017, it was alleged by Vinod Jha that while they were collecting the IDs for the purpose of distribution of blanket, Arpit Kumar Jaiswal, Krishna Kumar, and Amit



- Jaiswal started quarreling with them and gave them a beating.
4. However, now both the parties have entered into a settlement vide MoU dated 28.01.2023 on the following terms and conditions:

*“1. That both the parties have amicably settled their dispute and / or grievance between them.*

*2. That it is agreed between the parties that they do not have any objection if the both the FIRs be quashed. It is further agreed that First Party shall pay a total sum of Rs.50,000/— (Rupees Fifty Thousand Only) to the Second Party as a whole at the time of quashing of the aforesaid FIRs.*

*3. That it is further agreed between the parties that both the parties shall cooperate with each other in preparing the documents for quashing of both the aforesaid FIRs i.e., 84/17 and 85/17 PS Karawal Nagar and shall appear before the Hon’ble High Court of Delhi for the quashing of the FIRs.*

*4. That after the quashing of the FIRs, nothing survives out of the present FIR against both the parties and both the parties shall not interfere in the lives of each other.*

*5. That both the parties are not habitual offenders and have clear past antecedents.*

*6. That it is further agreed between the parties that they shall not involve in such type of incident and shall maintain peace and 'harmony amongst each others.*

*7. That both the parties have entered into the present Agreement after reading its contents and have understood the same in their vernacular language.*

*8. That both the parties have entered into this*



*agreement without any fear, coercion or undue influence and out of their own free Will and consent.”*

5. IO states that the injury suffered by the complainant party in case FIR No. 84/2017 was simple in nature and that they were discharged on the same day.
6. Both the parties submit that they have settled the matter, voluntarily without any fear, force or coercion.
7. IO has also stated that there is no other case pending against both the parties.
8. In view of the aforementioned facts and circumstances, the FIR No.85/2017 under Sections 452/323/506/34 IPC registered at PS Karawal Nagar and FIR No. 84/2017 under Sections 308/323/34 IPC registered at PS Karawal Nagar and all other proceedings emanating thereof stand quashed.
9. However, I consider that the negative energy of the parties should be put to an end by directing them to contribute to the society. Hence, the petitioners in both cases are directed to plant 200 trees each in their areas. The place shall be identified by the IO with the consultation of Horticulture Department and shall inform the petitioners in 15 days advance.
10. The petitioner shall plant the trees, water them and take care of them for 5 years. IO shall ensure compliance of the same.
11. IO shall also explore the possibility of Geo-Tagging the trees planted with the coordination of the SDC of the concerned area for



the proper monitoring by the appropriate authority.

12. Let the compliance report be filed.
13. List for compliance on 03.11.2023.

**JULY 24, 2023/AR**

**DINESH KUMAR SHARMA, J**