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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ **CRL.M.C. 68/2018 & CRL.M.A. 270/2018**  
**RAJESH BESAR & ANR** ..... Petitioner  
Through Mr. Ram Kumar, Adv. with  
petitioners in person.  
versus

**THE STATE GOVT OF NCT OF DELHI & ORS** ..... Respondent  
Through Mr. Izhar Ahmad, APP for State with  
ASI Satyavir Singh, PS Khyala.  
Ms. Mamta, Adv. for R2 with R2 in  
person.

**CORAM:**  
**HON'BLE MS. JUSTICE ANU MALHOTRA**

**ORDER**  
% **08.01.2018**

Vide the present petition, the petitioner no. 1 Rajesh Basar s/o Sh. Ram Saroop, the petitioner no. 2 Navin Anand s/o Sh. Vishwamitra, the petitioner no. 3 Vikas @ Vicky s/o Sh. Balkishan, the petitioner no. 4 Aniket s/o Sh. Ram Kishore and the petitioner no. 5 Neeraj @ Shivam s/o Sh. Rajesh Besar seek quashing of the FIR No. 369/17, registered at PS Khyala, under Sections 323/341/452/506/34 of the Indian Penal Code, 1860 submitting to the effect that a Compromise-cum-Settlement Deed dated 27.12.2017 has been arrived at between the parties.

The Investigating Officer has identified the petitioner no. 1 Rajesh Basar s/o Sh. Ram Saroop, the petitioner no. 2 Navin Anand s/o Sh. Vishwamitra, the petitioner no. 3 Vikas @ Vicky s/o Sh. Balkishan, the petitioner no. 4 Aniket s/o Sh. Ram Kishore and the petitioner no. 5 Neeraj @ Shivam s/o Sh. Rajesh Besar as being the only accused in relation to FIR  
**CRL.M.C. 68/2018**

No. 369/17, registered at PS Khyala, under Sections 323/341/452/506/34 of the Indian Penal Code, 1860. He has also identified the respondent no. 2 Rahul s/o Sh. Suresh Kumar present today in the court i.e. the complainant of the FIR No. 369/17, registered at PS Khyala, under Sections 323/341/452/506/34 of the Indian Penal Code, 1860. Photocopies of the proof of identity in the form of the Aadhar cards of the petitioners and respondent no. 2 are on the record, which are Ex.CW1/A to Ex. CW1/F respectively (originals of which have been seen and returned).

The respondent no. 2 is also present today in the Court and has been examined by the Court and he has testified that he is studying in B.Com 1<sup>st</sup> year and his affidavit annexed to the petition bears his signature thereon at points-A and B on Ex.CW2/A, which he has signed voluntarily of his own accord without any duress or coercion from any quarter. He has testified to the effect that the Compromise-cum-Settlement Deed dated 27.12.2017 bears his signatures thereon at point-A on Ex.CW2/B, which he has signed voluntarily of his own accord without any duress or coercion from any quarter. He has further testified to the effect that he does not oppose the prayer made by the petitioners seeking quashing of the FIR No. 369/17, registered at PS Khyala, under Sections 323/341/452/506/34 of the Indian Penal Code, 1860 and that he does not want any of them to be punished as the petitioners are his neighbours and the same is also borne out from the memo of parties that the petitioners and the respondent no. 2 are neighbours. The nature of injury sustained by the injured are indicated to be simple caused by a blunt object.

Learned APP for the State also in the circumstances of the case does

not oppose the prayer made by the petitioners seeking quashing of the FIR No. 369/17, registered at PS Khyala, under Sections 323/341/452/506/34 of the Indian Penal Code, 1860.

Taking into account the statement made by the respondent no. 2, there appears no reason to disbelieve the said statements made by the respondent no. 2 that they have arrived at a settlement voluntarily of their own accord without any duress or coercion from any quarter. Thus to maintain peace and harmony between the parties who are neighbours, in view of the observations in the verdict of the Hon'ble Supreme Court in ***Gian Singh vs. State of Punjab & Another***, (2012) 10 SCC 303, to the effect : -

*“58..... No doubt, crimes are acts which have harmful effect on the public and consist in wrongdoing that seriously endangers and threatens the well-being of the society and it is not safe to leave the crime-doer only because he and the victim have settled the dispute amicably or that the victim has been paid compensation, yet certain crimes have been made compoundable in law, with or without the permission of the court. In respect of serious offences like murder, rape, dacoity, etc., or other offences of mental depravity under IPC or offences of moral turpitude under special statutes, like the Prevention of Corruption Act or the offences committed by public servants while working in that capacity, the settlement between the offender and the victim can have no legal sanction at all. **However, certain offences which overwhelmingly and predominantly bear civil flavour having arisen out of civil, mercantile, commercial, financial, partnership or such like transactions or the offences arising out of matrimony, particularly relating to dowry, etc. or the family dispute, where the wrong is basically to the victim and the offender and the victim have settled all***

*disputes between them amicably, irrespective of the fact that such offences have not been made compoundable, the High Court may within the framework of its inherent power, quash the criminal proceeding or criminal complaint or FIR if it is satisfied that on the face of such settlement, there is hardly any likelihood of the offender being convicted and by not quashing the criminal proceedings, justice shall be casualty and ends of justice shall be defeated. The above list is illustrative and not exhaustive. Each case will depend on its own facts and no hard-and-fast category can be prescribed.” [Refer to B.S. Joshi, (2003) 4 SCC 675; Nikhil Merchant, (2008) 9 SCC 677 and Manoj Sharma, (2008) 16 SCC 1.]”*

*(emphasis supplied)*

it is thus considered appropriate in the interest of justice that the prayer made by the petitioners seeking quashing of the FIR No. 369/17, registered at PS Khyala, under Sections 323/341/452/506/34 of the Indian Penal Code, 1860 and all consequential proceedings emanating therefrom is allowed against the petitioner no. 1 Rajesh Basar s/o Sh. Ram Saroop, the petitioner no. 2 Navin Anand s/o Sh. Vishwamitra, the petitioner no. 3 Vikas @ Vicky s/o Sh. Balkishan, the petitioner no. 4 Aniket s/o Sh. Ram Kishore and the petitioner no. 5 Neeraj @ Shivam s/o Sh. Rajesh Besar, which is thus accordingly allowed, and the FIR No. 369/17, registered at PS Khyala, under Sections 323/341/452/506/34 of the Indian Penal Code, 1860 and all consequential proceedings emanating therefrom are quashed.

The petition is disposed of.

**ANU MALHOTRA, J**

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CRL.M.C. 68/2018  
RAJESH BESAR & ANR versus  
THE STATE GOVT OF NCT OF DELHI & ORS

**Statement of the CW1 : ASI Satyavir Singh, PS Khyala, Delhi.**

**ON S.A.**

I identify the petitioner no. 1 Rajesh Basar s/o Sh. Ram Saroop, the petitioner no. 2 Navin Anand s/o Sh. Vishwamitra, the petitioner no. 3 Vikas @ Vicky s/o Sh. Balkishan, the petitioner no. 4 Aniket s/o Sh. Ram Kishore and the petitioner no. 5 Neeraj @ Shivam s/o Sh. Rajesh Besar as being the only accused in relation to FIR No. 369/17, registered at PS Khyala, under Sections 323/341/452/506/34 of the Indian Penal Code, 1860. I also identify the respondent no. 2 Rahul s/o Sh. Suresh Kumar present today in the court i.e. the complainant of the FIR No. 369/17, registered at PS Khyala, under Sections 323/341/452/506/34 of the Indian Penal Code, 1860. Photocopies of the proof of identity in the form of the Aadhar cards of the petitioners and respondent no. 2 are on the record, which are Ex.CW1/A to Ex. CW1/F respectively (originals of which have been seen and returned).

**ANU MALHOTRA, J**

**RO & AC**  
**JANUARY 08, 2018/MK**

CRL.M.C. 68/2018  
RAJESH BESAR & ANR versus  
THE STATE GOVT OF NCT OF DELHI & ORS

**Statement of the CW2 : Rahul s/o Sh. Suresh Kumar, aged 23 years, r/o  
A-580, J.J. Colony, Raghbir Nagar, Tagore Garden, New Delhi.**

**ON S.A.**

I am studying in B.Com first year. My affidavit annexed to the petition bears my signature thereon at points-A and B on Ex.CW2/A and the Compromise-cum-Settlement Deed dated 27.12.2017 bears my signatures there on at point-A on Ex.CW2/B, which I have signed voluntarily of my own accord without any duress or coercion from any quarter. I do not oppose the prayer made by the petitioners seeking quashing of the FIR No. 369/17, registered at PS Khyala, under Sections 323/341/452/506/34 of the Indian Penal Code, 1860. I do not want any of them be punished. The petitioners are my neighbours. I have made this statement voluntarily of my own accord without any duress or coercion from any quarter.

**ANU MALHOTRA, J**

**RO & AC  
JANUARY 08, 2018/MK**