

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

*Date of Order: December 18, 2018*

+ CrI.M.C. 4144/2018

ARUN MOHAN & ORS. .... Petitioners  
Through: Mr. Jagdev Singh, Advocate

Versus

STATE GOVT OF NCT OF DELHI & ORS. .... Respondents  
Through: Mr. Izhar Ahmed, Additional  
Public Prosecutor for respondent-  
State with ASI Rajbir  
Respondents No.2 & 3 in person

**CORAM:**  
**HON'BLE MR. JUSTICE SUNIL GAUR**

**ORDER**  
**(ORAL)**

1. Quashing of FIR No.445/2018, under Sections 307/34 IPC, registered at police station Mangol Puri, Delhi is sought on the basis of Compromise Deed of 9<sup>th</sup> August, 2018 (*Annexure-P-2*) and also on the ground that the misunderstanding which led to registration of the FIR, now stands cleared between the parties.
2. Mr. Izhar Ahmed, learned Additional Public Prosecutor for respondent-State accepts notice and submits that respondents No.2 is the complaint of FIR in question and respondent No.3 is the injured and they both are present in the Court and have been identified to be so by ASI Rajbir on the basis of identity proof produced by them.
3. Respondents No.2 & 3, present in the Court, submit that both the

sides live in same locality and the dispute between the parties has been amicably resolved vide aforesaid Compromise Deed of 9<sup>th</sup> August, 2018 (*Annexure-P-2*) and the misunderstanding, which led to the incident in question, now stands cleared between the parties. They affirm the contents of aforesaid Compromise Deed of 9<sup>th</sup> August, 2018 (*Annexure-P-2*) and their affidavits filed in support of this petition and submit that now no dispute with petitioners survives and so, to restore the cordiality amongst the parties, who are neighbours, the proceedings arising out of the FIR in question be brought to an end.

4. Upon hearing and on perusal of record of this case, I find that knife blow was given by petitioner Arun Mohan on the left hip and right thigh resulting in injuries measuring 2X1.5cm and 3X1.5 cm but the depth of injuries sustained is not known. Injuries sustained by respondent No.3- Arjun have been opined to be of simple nature. The role attributed to petitioner-*Naveen Mohan* is of giving brick blow, which resulted in simple injury. The role of remaining two petitioners- *Vishal* and *Gaurav* is that they were bystanders when this incident had taken place. Apparently, the offence committed by petitioners does not come within the ambit of Section 307 IPC. At best, the offence committed by them would come within purview of Section 325/34 IPC.

5. In '*Gian Singh Vs. State of Punjab*' (2012) 10 SCC 303 Apex Court has recognized the need of amicable resolution of disputes in cases like the instant one, 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.”*

6. A Coordinate Bench of this Court in *Ganesh Vs. State of NCT of Delhi & Anr.*, 2018 SCC OnLine Del 10908 in somewhat similar circumstances, has quashed the FIR registered under Section 307 IPC on the basis of settlement reached between the parties.

7. In the facts and circumstances of this case and in view of aforesaid Compromise Deed of 9<sup>th</sup> August, 2018 (*Annexure-P-2*), I find that both the parties are from lower strata of society. Since the differences between the parties have been amicably resolved, continuance of proceedings arising out of the FIR in question would be an exercise in futility as the misunderstanding, which led to registration of this FIR, now stands cleared between the parties.

8. Accordingly, FIR No.445/2018, under Sections 307/34 IPC, registered at police station Mangol Puri, Delhi and proceeding emanating therefrom are quashed.

9. This petition is accordingly disposed of.

**(SUNIL GAUR)**  
**JUDGE**

**DECEMBER18, 2018**

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