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

+ **W.P.(CRL) 3591/2017**

**NARENDER SINGH & ANR**

..... Petitioners

Represented by: Mr. Mukesh Kalia, Advocate  
with petitioners in person.

versus

**THE STATE GOVT OF NCT OF DELHI & ANR ..... Respondents**

Represented by: Mr. Avi Singh, Additional  
Standing Counsel for State with  
ASI Dineshan K. PS Maya  
Puri.  
Respondent No.2 in person.

**CORAM:**

**HON'BLE MS. JUSTICE MUKTA GUPTA**

**ORDER**

**09.04.2018**

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By the present petition the petitioners seek quashing of FIR No. 229/2017 under Sections 307/323/324/341/506/34 IPC registered at PS Mayapuri, Delhi on the complaint of respondent No.2 and the proceedings pursuant thereto on the ground that the parties have settled the matter.

Learned Additional Standing Counsel for the State on instructions from Investigating Officer submits that in the above-noted FIR the two petitioners who are the father and son are the only accused and the respondent No. 2 the complainant/victim. Opposing the quashing of the above noted FIR learned Additional Standing Counsel for the State relies upon the decision reported as 2014 (10) SCC 285 *State of Madhya Pradesh vs. Deepak & Ors.* wherein the Hon'ble Supreme Court reiterating the

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guidelines laid down in the decision reported as 2014 (6) SCC 466 Narinder Singh vs. State of Punjab noted that while quashing FIR under Section 307 IPC the court should look into the nature of injury inflicted, the medical report and whether there is a strong possibility of conviction or the chances of conviction are remote and bleak before accepting any settlement. The Hon'ble Supreme Court also noted that when a serious offence is committed, it cannot be treated as a private dispute but crime against the society.

In the present case the injury allegedly inflicted by the petitioner to the victim is one clear incised wound of 2 x 1 cms approximately and the dept was not measured. Since the injury was on the peritoneum region it was opined to be dangerous in nature. This Court has also perused the sketch of the knife as well as the complete medical report. The injury has been opined to be from a sharp weapon and dangerous to life. In Narender Singh (supra) the Hon'ble Supreme Court while dealing with offence punishable under Section 307 IPC laid down guideline 29.6 as under:

*29.6. Offences under Section 307 IPC would fall in the category of heinous and serious offences and therefore are to be generally treated as crime against the society and not against the individual alone. However, the High Court would not rest its decision merely because there is a mention of Section 307 IPC in the FIR or the charge is framed under this provision. It would be open to the High Court to examine as to whether incorporation of Section 307 IPC is there for the sake of it or the prosecution has collected sufficient evidence, which if proved, would lead to proving the charge under Section 307 IPC. For this purpose, it would be open to the High Court to go by the nature of injury sustained, whether such injury is inflicted on the vital/delicate parts of the body, nature of*

*weapons used, etc. Medical report in respect of injuries suffered by the victim can generally be the guiding factor. On the basis of this prima facie analysis, the High Court can examine as to whether there is a strong possibility of conviction or the chances of conviction are remote and bleak. In the former case it can refuse to accept the settlement and quash the criminal proceedings whereas in the latter case it would be permissible for the High Court to accept the plea compounding the offence based on complete settlement between the parties. At this stage, the Court can also be swayed by the fact that the settlement between the parties is going to result in harmony between them which may improve their future relationship.*

In the present case only one injury has been inflicted on the complainant and as per the complainant himself he is back to work of a loader picking up heavy loads. Thus the injury has healed fully.

Considering that one single injury was inflicted and not on a vital part, the nature of weapon which unlike in the case before the Supreme Court, is a small knife this Court deems it fit to quash the FIR and the above noted FIR on the basis of compromise.

Respondent No. 2 is present in Court and is identified by the Investigating Officer. He states that he has settled the matter with the petitioners vide Memorandum of Settlement dated 4<sup>th</sup> December, 2017 and that the petitioners have apologised to him. He states that during the course of his ailment the petitioners took ample care to him including his medical expenses and his diet etc. In terms of the settlement he does not wish to pursue the above-noted FIR and the proceedings pursuant thereto.

The petitioners who are present in Court and are identified by the learned counsel affirm the statement of respondent No. 2. They further apologise to the respondent No. 2 and assure that no such incident will occur in future and undertake to abide by the terms of the settlement arrived at between the parties vide Memorandum of Settlement dated 4<sup>th</sup> December, 2017. To show remorse the petitioners undertake to deposit some costs also.

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.

Consequently, FIR No. 229/2017 under Sections 307/323/324/341/506/34 IPC registered at PS Mayapuri, Delhi and proceedings pursuant thereto are hereby quashed subject to the petitioners depositing a cost of ₹25,000/- each with the Juvenile Justice Fund maintained by the Registrar General of this Court within two weeks after which the receipt of the deposit will be filed in the Registry.

Parties have signed this order sheet in acknowledgment of their statements made before this Court.

Petition is disposed of. Order dasti.

**MUKTA GUPTA, J.**

**APRIL 09, 2018**

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