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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 1050/2020 & CRL.M.A. 4173/2020**
FARUKH HASAN & ORS. Petitioners
Through: Mr. Sunil Kumar, Advocate alongwith
petitioner Nos. 1 to 3 & 5 in person.

Versus

STATE & ORS. Respondents
Through: Mr. Mukesh Kumar, APP for State with
ASI Upender Singh, P.S. Nand Nagri
Respondent Nos. 2 to 5 in person.

CORAM:
HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER
% **28.02.2020**

CRL.M.A. 4172/2020 (Exemption)

1. Allowed, subject to all just exceptions.
2. The application stands disposed of.

CRL.M.C. 1050/2020

1. The present proceedings are instituted seeking quashing of FIR No. 213/2013, under Sections 323/308/34 registered at Police Station Nand Nagri, Delhi, on the ground of settlement having been arrived at between the parties.
2. As per the prosecution case, the present FIR has been registered by the Respondents against the present Petitioners who physically assaulted them over a dispute related to division of business. Petitioner no. 1 and Respondent nos. 2, 3 and 4 are real brothers. The injuries sustained were opined to be simple in nature.

3. Learned APP for the State, on instructions, submits that the charge sheet in the present case has been filed under the aforesaid sections against the present petitioners and respondent Nos. 2 to 5 are the only victims/injured.
4. Learned counsel for the petitioners submits that petitioner No. 4 is paralyzed and is unable to move and therefore, has executed Power of Attorney in favour of *Serajuddin*. The power of attorney has been placed on record.
5. Learned counsel for the petitioners submits that the parties have entered into a settlement vide *Memorandum of Understanding* on 18.02.2020. A copy of the same is annexed with the petition as Annexure-B. In terms of the settlement respondent Nos.2 to 5 are now left with no claim whatsoever against the petitioners.
6. The petitioner Nos. 1 to 3 & 5, who are present in person are identified by their counsel and the Investigating Officer. Respondent Nos. 2 to 5, who are present in person, are identified by the Investigating Officer.
7. Respondent Nos.2 to 5 state that they have entered into the settlement with the petitioners out of their own free will, volition and without any undue force, pressure or coercion. They further state that they have no objection if the present FIR and consequent proceedings are quashed.
8. Learned counsels for the parties submit that besides the present FIR there is cross FIR No. 214/2013 under Sections 308/34 IPC P.S. Nand Nagari, Delhi and quashing of the same is sought in CRL.M.C. 1047/2020.
9. The parties shall remain bound by their statements made in Court today.

10. While affirming the view in Parbatbhai Aahir and Ors. Vs. State of Gujarat and Anr. reported as **(2017) 9 SCC 641**, in the case of The State of Madhya Pradesh Vs. Laxmi Narayan and Ors. reported as **(2019) 5 SCC 688**, it was held as under:-

“16 The broad principles which emerge from the precedents on the subject, may be summarised in the following propositions:

16.1 Section 482 CrPC preserves the inherent powers of the High Court to prevent an abuse of the process of any court or to secure the ends of justice. The provision does not confer new powers. It only recognises and preserves powers which inhere in the High Court.

16.2 The invocation of the jurisdiction of the High Court to quash a first information report or a criminal proceedings on the ground that a settlement has been arrived at between the offender and the victim is not the same as the invocation of jurisdiction for the purpose of compounding an offence. While compounding an offence, the power of the court is governed by the provisions of Section 320 CrPC. The power to quash under Section 482 is attracted even if the offence is non-compoundable.

16.3 In forming an opinion whether a criminal proceeding or complaint should be quashed in exercise of its jurisdiction under Section 482, the High Court must evaluate whether the ends of justice would justify the exercise of the inherent power.

16.4 While the inherent power of the High Court has a wide ambit and plenitude it has to be exercised (i) to secure the ends of justice, or (ii) to prevent an abuse of the process of any court.

16.5 The decision as to whether a complaint or first information report should be quashed on the ground that the offender and victim have settled the dispute, exhaustive elaboration of principles can be formulate.

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16.9 In such a case, the High Court may quash the criminal proceeding if in view of the compromise between the disputants, the possibility of a conviction is remote and the continuation of a criminal proceeding would cause oppression and prejudice”.

11. In view of the settlement arrived at between the parties voluntarily, in my view, no useful purpose will be served in continuance of the present criminal proceedings. Accordingly, in the interest of justice, aforesaid FIR and the consequent proceedings emanating therefrom are hereby quashed, subject to costs of Rs.10,000/- to be deposited with ‘*Delhi High Court Legal Services Committee*’ by the petitioners within one week. Receipt evidencing deposit of costs be filed in the Registry as well as with the Investigating Officer.

12. With the above directions, the petition is disposed of alongwith pending application.

13. Order *dasti* to the counsels for the parties.

MANOJ KUMAR OHRI, J

FEBRUARY 28, 2020/p'ma