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

+ **CRL.M.C. 1373/2020**

BRAHMPAL & ORS

..... Petitioners

Through: Mr. B.P. Shukla, Advocate alongwith
petitioners in person.

Versus

STATE & ORS

..... Respondents

Through: Ms. Manjeet Arya, APP for State with SI
Bal Kishan, P.S. New Ashok Nagar
Mr. Neeru, Advocate along with respondent Nos. 2
& 3 in person.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

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12.03.2020

CRL.M.A. 5291/2020 (Exemption)

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

CRL.M.C. 1373/2020

1. The present proceedings are instituted seeking quashing of FIR No. 437/2018 under Sections 323/509/308/354(A)/379/506/34 IPC registered at P.S. New Ashok Nagar Delhi on the ground of settlement having been arrived at between the parties.
2. As per the case of the prosecution, the present FIR has been registered by respondents No.2 & 3 against the present petitioners who physically assaulted and threatened them.
3. Learned APP for the State, on instructions, submits that the charge

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sheet in the present case has been filed against the present petitioners and respondent nos.2 & 3 are the complainants/victims. She, on instructions, submits that the injuries are simple in nature.

4. Learned counsel for the petitioners submits that the parties have entered into a settlement on 09.12.2019. A copy of the same is annexed with the petition as *Annexure P-4*. In terms of the settlement, respondent Nos. 2 & 3 are now left with no claim whatsoever against the petitioners.

5. The Petitioners and respondent Nos. 2 & 3 who are present in person, are identified by their respective counsels and the Investigating Officer. The petitioners have shown remorse for their conduct and have undertaken not to repeat the same in future.

6. Respondent nos. 2 & 3 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 the petitioners have not repeated the same incident and that they have no objection if the present FIR and consequent proceedings are quashed.

7. Learned counsels for the parties submit that besides the present FIR there is another connected FIR No. 436/2018 under Sections 354(B)/509/323/451/379/34 IPC registered at P.S. New Ashok Nagar, Delhi, and quashing of the same is sought in CRL.M.C. 1388/2020.

8. The parties shall remain bound by their statements made in Court today.

9. 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”.

10. 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 a composite cost of Rs.5,000/- to be deposited with '*Delhi High Court Legal Services Committee*' by the petitioners within a period of two weeks from today. Receipt evidencing deposit of costs be filed in the Registry as well as with the Investigating Officer.

11. With the above directions, the petition is disposed of.
12. Order *dasti* to the counsels for the parties.

MANOJ KUMAR OHRI, J

MARCH 12, 2020/p'ma