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

+ **CRL.M.C. 3288/2018**

MRITYUNJAY SHARMA & ANR Petitioners

Through: Petitioners in person.

Versus

THE STATE (GOVT OF NCT DELHI) & ANR Respondents

Through: Ms. Manjeet Arya, APP for State with SI
Shri Bhagwan, P.S. Defence Colony

Respondent No. 2 in person.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

% **02.03.2020**

1. The present proceedings are instituted seeking quashing of FIR No. 444/2015, under Sections 308/34 registered at Police Station Defence Colony, Delhi, on the ground of settlement having been arrived at between the parties.
2. As per the case of the prosecution, the present FIR was registered at the instance of respondent No.2, as he alleged that the petitioners entered into an altercation with him and physically assaulted him, due to which he sustained injuries.
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 No. 2 is the only victim/injured. She, on instructions, submits that the injuries are opined to be simple in nature.
4. Learned counsel for the petitioners submits that the parties have entered into a settlement vide *Memorandum of Understanding* on 22.02.2018. A copy of the same is annexed with the petition as Annexure-B

(colly). In terms of the settlement respondent No.2 is now left with no claim whatsoever against the petitioners.

5. The petitioners and respondent No. 2, who are present in person are identified by the Investigating Officer.

6. Respondent No.2 states that he has entered into the settlement with the petitioners out of his own free will, volition and without any undue force, pressure or coercion. He further states that he has no objection if the present FIR and consequent proceedings are quashed.

7. 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”.

8. 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.2,500/- each to be deposited with ‘*Delhi High Court Legal Services Committee*’ by the petitioners within a period of five weeks from today. Receipt evidencing deposit of costs be filed in the Registry as well as with the Investigating Officer.

9. With the above directions, the petition is disposed of.

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

MANOJ KUMAR OHRI, J

MARCH 02, 2020/p'ma