

\$~16

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 4662/2018**

AZEEM HAIDER & ORS.

..... Petitioners

Through: Mr. Mahendra Singh, Advocate with
petitioners in person.

versus

**THE STATE NCT DELHI THROUGH ITS SECRETERY &
ANR**

..... Respondents

Through: Mr. Mukesh Kumar, APP for State
with SI Santosh Kumar, P.S.
Mandawali.
Respondent nos. 2 and 3 in person.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

%

05.03.2020

1. The present proceedings are instituted seeking quashing of FIR No. 179/2013 under Sections 308/323/427/34 IPC registered at P.S. Mandawali East on the ground of settlement having been arrived at between the petitioners and respondent nos. 2 and 3.
2. As per the allegations levelled in the FIR, the petitioners entered into an altercation with respondent nos. 2 and 3 and physically assaulted them due to which they sustained simple injuries.
3. Learned APP for the State submits that the charge sheet in the present case has been filed against the petitioners and respondent no. 2 is the only complainant/victim. Learned APP further states that the injuries have been

opined to be simple.

4. Learned counsel for the petitioners submits that the petitioners and respondent nos.2 and 3 have settled their disputes out of court. In terms of the settlement, respondent nos.2 and 3 are now left with no claim whatsoever against the petitioners.

5. The petitioners and respondent nos.2 and 3 are present in person and have been identified by the Investigating Officer.

6. Respondent nos. 2 and 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 petitioners have shown remorse for their acts and undertaken not to repeat the same in future. They state that they have no objection if the present FIR and consequent proceedings are quashed.

7. Learned counsels for the parties submit that a cross FIR No. 180/2013 under Sections 323/341/34 IPC registered at P.S. Mandawali East has also been quashed by this Court today by way of an order passed in CrI. M.C. 4656/2018.

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.

Xxx

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, in my view, no useful purpose will be served in continuance of the present criminal proceedings. Accordingly, in the interest of justice, the aforesaid FIR and

the consequent proceedings emanating therefrom are hereby quashed, subject to costs of Rs.5,000/- to be deposited by each of the petitioners with the Delhi High Court Legal Services Committee within two weeks. Receipts, evidencing deposit of costs, be filed in the Registry and a copy whereof be handed over to 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 05, 2020

ga