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

+ CRL.M.C. 4731/2018

NASIR ANSARI & ORS.

..... Petitioners

Through: Mr. Raj Kumar, Advocate with
petitioners in person.

versus

STATE OF NCT DELHI & ORS.

..... Respondents

Through: Ms. Manjeet Arya, APP for State with
Insp. Awatar Singh Rawat, SHO, P.S.
Nand Nagri.

Respondent nos. 2 to 9 are present in
person.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

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03.03.2020

1. The present proceedings are instituted seeking quashing of FIR No. 91/2015 under Sections 323/324/308/452/147/148/149/34 IPC registered at P.S. Nand Nagri on the ground of settlement having been arrived at between the petitioners and respondent nos. 2 to 9.
2. As per the prosecution case, the present FIR has been filed by the respondent nos. 2 to 9 against the present petitioners who physically assaulted them and caused injuries, which were opined to be simple in nature.
3. Learned APP for the State submits that the charge sheet in the present case has been filed against the petitioners and respondent nos. 2 to 9 are the complainants/victims.
4. Learned counsel for the petitioners submits that the petitioners and respondent nos. 2 to 9 have entered into a settlement vide Settlement Deed dated 14.09.2018, which is annexed with the present petition as Annexure D.

In terms of the settlement, respondent nos.2 to 9 are now left with no claim whatsoever against the petitioners.

5. The petitioners and respondent nos. 2 to 9 are present in person and have been identified by Investigating Officer. Respondent nos. 2 to 9 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. Respondent nos.2 to 9 submit that the petitioners have shown remorse for their act and have undertaken not to repeat the same in future. They further state that they have no objection if the present FIR and the consequent proceedings are quashed.

6. Learned counsels for the parties submit that no other proceedings are pending between the parties.

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

8. 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”.

9. 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,
10. With the above directions, the petition is disposed of.
11. Order *dasti* to the counsels for the parties.

MANOJ KUMAR OHRI, J

MARCH 03, 2020/ga