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

% *Order pronounced on 12.09.2022*

+ W.P.(CRL) 1030/2022

KAMESH & ORS.

..... Petitioners

Through: Mr. R.S. Juneja, Ms. Mahinder Kaur
Juneja and Mr. Shiv Kumar, Advs.

versus

THE STATE OF DELHI AND ORS.

..... Respondents

Through: Mr. Sanjay Lao, Standing counsel
with Mr. Karan Jeet Rai Sharma, Ms.
Priyam Agrawal & Ms. Supriya
Manan, Advs. with SI Sunny, PS
Roop Nagar.

CORAM:

HON'BLE MR. JUSTICE TALWANT SINGH

Talwant Singh, J.:

1. The present petition under Article 226 of the Constitution of India read with Section 482 Cr.P.C. has been filed for quashing of FIR No. 0097/2022 dated 12.02.2022 under Sections 307/34 IPC registered at PS Roop Nagar, Delhi against the present petitioners no.1 to 3 on the complaint of respondent no.2.

1.1 In brief facts, it is stated that the said FIR was registered on the complaint of one Sonu Khari, who is respondent no.2. A copy of the FIR has been annexed as Annexure -A. The sum and substance of the FIR is reproduced hereunder:-



“Statement of Sonu Khari S/o Lt. Sh. Rakesh Khari R/o H. No. 5764, Gali No. 6, New Chandrawal, Delhi, aged 37 years, Mob. 9910464960 stated that I reside at the above said address alongwith my family and do the job as a Contractor in MCD. Yesterday on dated 11.02.2022 at about 11: 30pm at night I was at my house, Tenant told me that a quarrel has taken place between your cousin brother and Rajan Khari who reside at Gali no. 5 New Chandrawal, Delhi. I immediately alongwith Gaurav’s mother reached at Gali no. 5 near the the house of Rajan Khari, where arguments between Gaurav and Rajan Khari were going on. That I and Gaurav;s mother tried t intervene and made Gaurav understand and were taking him back to the home. When we reached a little ahead in the street then Rajan Khari along with his nephew kale and Shivam came from back and Rajan Khari stated to me that saale I will kill you, I had left you before also and after saying this Rajan, Kale and Shivam started beating me with fist and blows and during this Rajan pull out the knife which was with him and Kale and Shivam caught hold me and Rajan stabs me one after another and said I will not leave you today. That my brother Gaurav tried to intervene then 2-3 more associates of Rajan Khari reached there in which one person was a Sikh. Then, that Sikh, Rajan, Kale and Shivam again started beating Gaurav in which Rajan, Shivam and Sikh caught hold Gaurav and Kale after taking knife from Rajan started stabbing one after another with knife. That we tried to intervene but Rajan’s associates again started beating us with fist, blows and sticks and kept on threatening to kill us. That I and Gaurav started bleeding a lot. That after seeing this, all of them while threatening ran away from there. That my Uncle’s (tau) son namely Shekhar also reached there who took us to the Hindu Rao Hospital where our treatment is going on. That my brother called the PCR. That you came to the hospital but due to ongoing treatment and pain we couldn’t able to give our statement. That now I had given you my statement. That Rajan Khari, Kale, Shivam and his associates with the intention of killing us has attacked us with deadly weapon. Legal action be taken against them. I can indentify the



associates of Rajan Khari if they come before me. You have recorded my statement which I have read and heard nad found correct. SD English Sonu....”

1.2 It has been further mentioned that respondent no.2, Sonu Khari and respondent no.5, Gaurav Khari had suffered injuries in respect of which, MLC bearing no. 650/2022 of Sonu Khari and MLC bearing no. 645/2022 of Gaurav Khari, were prepared. The petitioner no.1 had also suffered grievous injury. A cross FIR on the complaint of petitioner no.1 bearing No. 100/2022 under Sections 325/341/506/34 IPC was also registered against the respondents. The petitioners and the respondents are residing in the same area and they are known to each other for the last number of years. The quarrel started when respondent no.2 was abusing in front of the house of the petitioner no.2, which was converted into a fight and during the quarrel, both the parties had suffered injuries and the fight was neither pre-planned nor pre-meditated. Now the petitioners and respondents no.2 to 6 have compromised the matter with the intervention of respectable persons of the society, friends and well-wishers. So, quashing of FIR has been prayed to create good atmosphere as they are residing in the same neighbourhood.

1.3 Respondents no.2 to 6 are not interested to proceed further in the said case and petitioners and respondent no.2 to 6 are having no grievances against each other. There is no harm to the society at large and to the State. The matter is at the initial stage and trial will take a long time. Under these circumstances, it has been prayed that FIR No. 0097/2021 registered under Sections 307/34 IPC may be quashed in the interest of justice.

2. Notice was issued. Status Report has been filed. Status report is reiterating the facts about registration of FIR and the injuries suffered by



respondent no.2 and respondent no.5 as detailed in their respective MLCs. The petitioner no.1 was arrested on 15.02.2022 and petitioner no.2 was arrested on 21.02.2022 and they remained in judicial custody. Weapon of offence being a knife was recovered at the instance of the petitioner no.2. Respondent no.5/victim sustained 13 injuries. Petitioner no.2 Rajan Khatri also threatened the complainant and his mother by pointing pistol towards them and hence, Section 27 of Arms Act has been added. The said pistol could not be recovered. Co-accused Ishprit and two unknown persons are avoiding their arrest. On the MLC of complainant, namely, Sonu Khatri, the opinion regarding nature of injury is 'Simple', the final injury report on the MLC No. 645/2022 of injured Gaurav Khatri is still awaited. Charge-sheet stands filed against the petitioners in which petitioner no.1 and 3 have been shown to have committed an offence under Section 307/34 IPC and petitioner no.2 has committed an offence under Section 307/34 IPC and Section 25/27 of the Arms Act. A cross FIR was also registered on the complaint of petitioner no.1, namely, Kamlesh Khari under Sections 325/341/506/34 IPC registered at PS Roop Nagar.

2.1 As per the prosecution, petitioner no.2 is a bad character of PS Roop Nagar and he is previously involved in eight cases:

S. No.	FIR No.	FIR Year	Police Station	Sections	Status of Case
1	375	1995	ROOP NAGAR	307/34 IPC	Due to very old case, status Not found
2	394	1997	ROOP NAGAR	147/148/149/323/34 IPC	Due to very old case, status Not found



3	186	2000	ROOP NAGAR	324/34/IPC	ACQUITTED
4	204	2003	RAI	279/337/304A	ACQUITTED
5	239	2005	ROOP NAGAR	68/1/14 EXCISE ACT	CONVICTED
6	159	2005	ROOP NAGAR	498A/34 IPC	QUASHED
7	248	2006	ROOP NAGAR	308/324/341/394/34 IPC	QUASHED
8	251	2018	ROOP NAGAR	3/4/9/55 DPG ACT	CONVICTED

2.2 It has been prayed that present petition may be dismissed. Copies of the MLCs of the injured have been also placed on record.

3. I have heard the arguments.

3.1 Learned counsel for the petitioner has relied upon the following judgments:-

3.2 *Mohdv. Umair @ Umer vs. State (NCT of Delhi & ORS. & ANR.)* in CrI.M.C. 674/2021. In this case, the accused charged under Section 307 IPC alleged to have stabbed the complainant in stomach on following altercations. The Hon'ble Delhi High Court quashed the FIR on the basis of compromise as the law settled by the Supreme Court permits quashing of FIR on compromise.

3.3 *Dr. Mohd. Ibrahim & Ors. vs. State of UP & Ors.* in CrI.M.C. 4690/2021. In this case, the accused was charged under Section 147/148/149/323/504/506/427/307 IPC and the offences were non-compoundable as per Section 320 Cr.P.C., yet the chargesheet was quashed on the basis of compromise. The Hon'ble High Court quashed the proceedings on the basis of compromise as the law settled by the Supreme Court permits quashing of FIR/proceedings on compromise. The



applicability and reliance covers the facts of the case as compromise between the complainant and accused is permissible under the law, considering the proposition of law settled by superior Courts.

3.4 *Lateben Jiteshbai Lathiya vs. State of Gujarat*, Criminal Misc. Appl. No. 10288 of 2020. In this case, the FIR was registered under Section 307 IPC and the same was quashed by the Hon'ble High Court of Gujarat on the basis of compromise considering the mitigating circumstances and the law settled by the Supreme Court, which permits quashing of FIR/proceedings on compromise.

3.5 *Kush Thukral and Anr. Vs. State of Uttrakhand & Anr.* CrI.Misc. Appl. (C-482) No. 2027 of 2018. In this case, the accused was charged under Section 307 IPC for firing 3 gunshots with intention to kill the complainant, yet the charge-sheet was quashed on the basis of compromise. The Hon'ble High Court quashed the proceedings on the basis of compromise as the law settled by the Supreme Court in the cases as mentioned in the judgment, observing that though the offence under Section 307 IPC is non-compoundable, yet the complainant filed the affidavit that the matter has been settled amicably. The Hon'ble Court felt it appropriate to quash the proceedings as the trial would have served no purpose.

3.6. *State of Madhya Pradesh vs. Laxmi Narayan & Ors.* (2019) 5 Supreme Court Cases 688. In this case, Hon'ble Supreme Court has laid down the guidelines with regard to quashing of FIRs in non-compoundable offences. As per the said guidelines, the learned counsel for the petitioners in the present case prays that on the basis of compromise it is a fit case for quashing of an FIR.



4. On the other hand, the prosecution has relied upon the following judgments.

4.1. In *State of Madhya Pradesh vs. Laxmi Narain & Ors.* (2019) 5 Supreme Court Cases 688, the reliance is placed on the following paragraphs:-

“11.1 However, the High Court has not at all considered the fact that the offences alleged were non-compoundable offences as per Section 320 of the Cr.P.C. From the impugned judgment and order, it appears that the High Court has not at all considered the relevant facts and circumstances of the case, more particularly the seriousness of the offences and its social impact. From the impugned judgment and order passed by the High Court, it appears that the High Court has mechanically quashed the FIR, in exercise of its powers under Section 482 Cr.P.C. The High Court has not at all considered the distinction between a personal or private wrong and a social wrong and the social impact. As observed by this Court in the case of State of Maharashtra vs. Vikram Anantrao Doshi, (2014) 15 SCC 29, the Court’s principal duty, while exercising the powers under Section 482 Cr.P.C. to quash the criminal proceedings, should be to scan the entire facts to find out the thrust of the allegations and the crux of the settlement. As observed, it is the experience of the Judge that comes to his aid and the said experience should be used with care, caution, circumspection and courageous prudence. In the case at hand, the High Court has not at all taken pains to scrutinise the entire conspectus of facts in proper perspective and has quashed the criminal proceedings mechanically. Even, the quashing of the FIR by the High Court in the present case for the offences under Sections 307 and 34 of the IPC, and that too in exercise of powers under Section 482 of the Cr.P.C. is just contrary to the law laid down by this Court in a catena of decisions.

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13. Now so far as the reliance placed upon the decision of



this Court in the case of Shiji (supra), while quashing the FIR by observing that as the complainant has compromised with the accused, there is no possibility of recording a conviction, and/or the further trial would be an exercise in futility is concerned, we are of the opinion that the High Court has clearly erred in quashing the FIR on the aforesaid ground. It appears that the High Court has misread or misapplied the said decision to the facts of the cases on hand. The High Court ought to have appreciated that it is not in every case where the complainant has entered into a compromise with the accused, there may not be any conviction. Such observations are presumptive and many a time too early to opine. In a given case, it may happen that the prosecution still can prove the guilt by leading cogent evidence and examining the other witnesses and the relevant evidence/material, more particularly when the dispute is not a commercial transaction and/or of a civil nature and/or is not a private wrong. In the case of Shiji (supra), this Court found that the case had its origin in the civil dispute between the parties, which dispute was resolved by them and therefore this Court observed that,

“19. ‘...that being so, continuance of the prosecution where the complainant is not ready to support the allegations...will be a futile exercise that will serve no purpose’.

In the aforesaid case, it was also further observed ‘that even the alleged two eyewitnesses, however, closely related to the complainant, were not supporting the prosecution version’, and to that this Court observed and held ‘that the continuance of the proceedings is nothing but an empty formality and Section 482 Cr.P.C. can, in such circumstances, be justifiably invoked by the High Court to prevent abuse of the process of law and thereby preventing a wasteful exercise by the courts below. Even in the said decision, in paragraph 18, it is observed as under:

“18. Having said so, we must hasten to add that the plenitude of the power under Section 482 CrPC by itself, makes it obligatory for the High Court to exercise the same with utmost care and caution. The width and the



nature of the power itself demands that its exercise is sparing and only in cases where the High Court is, for reasons to be recorded, of the clear view that continuance of the prosecution would be nothing but an abuse of the process of law. It is neither necessary nor proper for us to enumerate the situations in which the exercise of power under Section 482 may be justified. All that we need to say is that the exercise of power must be for securing the ends of justice and only in cases where refusal to exercise that power may result in the abuse of the process of law. The High Court may be justified in declining interference if it is called upon to appreciate evidence for it cannot assume the role of an appellate court while dealing with a petition under Section 482 of the Criminal Procedure Code. Subject to the above, the High Court will have to consider the facts and circumstances of each case to determine whether it is a fit case in which the inherent powers may be invoked.”

Therefore, the said decision may be applicable in a case which has its origin in the civil dispute between the parties; the parties have resolved the dispute; that the offence is not against the society at large and/or the same may not have social impact; the dispute is a family/matrimonial dispute etc. The aforesaid decision may not be applicable in a case where the offences alleged are very serious and grave offences, having a social impact like offences under Section 307 IPC. Therefore, without proper application of mind to the relevant facts and circumstances, in our view, the High Court has materially erred in mechanically quashing the FIR, by observing that in view of the compromise, there are no chances of recording conviction and/or the further trial would be an exercise in futility. The High Court has mechanically considered the aforesaid decision of this Court in the case of Shiji (supra), without considering the relevant facts and circumstances of the case.

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15.4 offences under Section 307 IPC and the Arms Act etc. would fall in the category of heinous and serious offences and



therefore are to be treated as crime against the society and not against the individual alone, and therefore, the criminal proceedings for the offence under Section 307 IPC and/or the Arms Act etc. which have a serious impact on the society cannot be quashed in exercise of powers under Section 482 of the Code, on the ground that the parties have resolved their entire dispute amongst themselves. However, the High Court would not rest its decision merely because there is a mention of Section 307 IPC in the FIR or the charge is framed under this provision. It would be open to the High Court to examine as to whether incorporation of Section 307 IPC is there for the sake of it or the prosecution has collected sufficient evidence, which if proved, would lead to framing the charge under Section 307 IPC. For this purpose, it would be open to the High Court to go by the nature of injury sustained, whether such injury is inflicted on the vital/delegate parts of the body, nature of weapons used etc. However, such an exercise by the High Court would be permissible only after the evidence is collected after investigation and the charge sheet is filed/charge is framed and/or during the trial. Such exercise is not permissible when the matter is still under investigation. Therefore, the ultimate conclusion in paragraphs 29.6 and 29.7 of the decision of this Court in the case of Narinder Singh (supra) should be read harmoniously and to be read as a whole and in the circumstances stated hereinabove;

16. *Insofar as the present case is concerned, the High Court has quashed the criminal proceedings for the offences under Section 307 and 34 IPC mechanically and even when the investigation was under progress. Somehow, the accused managed to enter into a compromise with the complainant and sought quashing of the FIR on the basis of settlement. The allegations are serious in nature. He used the firearm also in commission of the offence. Therefore, the gravity of the offence and the conduct of the accused is not at all considered by the High Court and solely on the basis of a settlement between the accused and the complainant, the High Court has mechanically quashed the FIR. In exercise of power under Section 482 of the Code, which is not sustainable in the eye of the law. The High Court has also failed to note the antecedents of the accused."*



4.2. In *State of Madhya Pradesh vs. Dhruv Gurjar* (2019) 5 SCC 570; the relevant paragraphs relied upon by prosecution in are as under:-

“16. At the outset, it is required to be noted that in the present appeals, the High Court in exercise of its powers under Section 482 Cr.P.C. has quashed the FIRs for the offences under Sections 307, 294 and 34 IPC and Sections 394 IPC, Sections 11/13 of the M.P.D.V.P.K. Act and Sections 25/27 of the Arms Act respectively, solely on the basis of a compromise between the complainant and the accused. That in view of the compromise at the stand taken by the complainant, considering the decision of this Court in Shiji, the High Court has observed that there is no chance of recording conviction against the accused persona and the entire exercise of a trial would be exercise in futility, the High Court has quashed the respective FIRs.

*16.1 However, the High Court has not at all considered the fact that the offences alleged were non-compoundable offences as per Section 320 Cr.P.C. From the impugned judgments and orders, it appears that the High Court particularly the seriousness of the offences and its social impact. From the impugned judgments and orders, it appears that the High Court has not at all considered the relevant facts and circumstances of the case, more particularly the seriousness of the offences and its social impact. From the impugned judgments and orders passed by the High Court, it appears that the High Court has mechanically quashed the respective FIRs, in exercise of its powers under Section 482 Cr.P.C. The High Court has not at all considered the distinction between a personal or private wrong and a social wrong and the social impact. As observed by this court in *State of Maharashtra vs. Vikram Anantrai Doshi*, the Court's principal duty, while exercising the powers under Section 482 Cr.P.C. to quash the criminal proceedings, should be to scan the entire facts and to find out the thrust of the allegations and the crux of the settlement. As observed, it is the experience of the Judge that comes to his aid and the said experience should be used with care, caution, circumspection and courageous prudence. In the case at hand, the High Court has not at all taken pains to scrutinise the entire conspectus of*



facts in proper perspective and has quashed the criminal proceedings mechanically. Even, the quashing of the respective FIRs by the High Court in the present cases for the offences under Section 307, 294 and 34 IPC and Section 394 IPC, Sections 11/13 of M.P.D. V.P.K. Act and Sections 25/27 of the Arms Act respectively, and that too in exercise of powers under Section 482 Cr.P.C. is just contrary to the law laid down by this Court in a catena of decisions.

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18. Now so far as the reliance placed upon the decision of this Court in Shif, while quashing the respective FIRs by observing that the complainant has compromised with the accused, there is no possibility of recording a conviction, and/or the further trial would be in exercise in futility is concerned, we are of the opinion that the High Court has clearly erred in quashing the FIRs on the aforesaid ground. It appears that the High Court has misread or misapplied the said decision to the facts of the cases on hand. The High Court ought to have appreciated that it is not in every case where the complainant has entered into a compromise with the accused, there may not be any conviction. Such observations are presumptive and many a time too early to opine. In a given case, it may happen that the prosecution still can prove the guilt by leading cogent evidence and examining the other witnesses and the relevant evidence/material, more particularly when the dispute is not a commercial transaction and/or of a civil nature and/or is not a private wrong.

19.1 Therefore, the said decision may be applicable in a case which has its origin in the civil dispute between the parties; the parties have resolved the dispute that the offence is not against the society at large and/or the same may not have social impact; the dispute is a family/matrimonial dispute etc. The aforesaid decision may not be applicable in a case where the offences alleged are very serious and grave offences, having a social impact like offences under Section 307 IPC and Sections 25/27 of the Arms Act etc. Therefore, without proper application of mind to the relevant facts and circumstances, in



our view, the High Court has materially erred in mechanically quashing the respective FIRs by observing that in view of the compromise, there are no chances of recording conviction and/or the further trial would be an exercise in futility. The High Court has mechanically considered the aforesaid decision of this Court in Shif without considering the relevant facts and circumstances of the case”.

4.3. In *Chilakamarthi Venkateswarlu & Anr. Vs. State of Andra Pradesh* (2020) 17 SCC 595, the relevant paragraphs are as under:-

“12. The plenary inherent jurisdiction of the Court under Section 482 Cr.P.C. may be exercised to give effect to an order under the Code; to prevent abuse of the process of the Court; and to otherwise secure the ends of justice.

13. The inherent jurisdiction, though wide and expansive, has to be exercised sparingly, carefully and with caution and only when such exercise is justified by the tests specifically laid down in the section itself, that is, to make orders as may be necessary to give effect to any order under the Code, to prevent the abuse of the process of any court or to otherwise secure the ends of justice.

14. For interference under Section 482, three conditions are to be fulfilled. The injustice which comes to light should be of a grave, and not of a trivial character; it should be palpable and clear and not doubtful and there should exist no other provision of law by which the party aggrieved could have sought relief.

15. In exercising jurisdiction under 482 it is not permissible for the Court to act as it it were a trial court. The court is only to be prima facie satisfied about existence of sufficient ground for proceeding against the accused. For that it cannot appreciate the evidence to conclude whether the materials produced are sufficient or not for convicting the accused.

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23. In this case, the High Court rightly refused to quash the criminal complaint, observing that it can exercise power under Section 482 Cr.P.C. only in rare cases. The power to quash the proceedings is generally exercised when there is no material to



proceed against the petitioners even if the allegations in the complaint are prima facie accepted as true. The High Court in effect found, and rightly, that the allegations in the complaint coupled with the statements recorded by the learned Magistrate had the necessary ingredients of the offences under Sections 307, 323, 427, 447 and 506 Part II read with Section 34 IPC”.

4.4. In *Mukhtiyar Ali Vs. State of NCT Delhi* 2021 SCC Online Del 4428, reliance is placed by prosecution on following:

11. In view of the conflict between the two judgments, the matter was referred to a larger Bench and the larger Bench of Supreme Court in State of M.P. v. Laxmi Narayan, (2019) 5 SCC 688, resolved the conflict by observing as under:

“15.4. Offences under Section 307 IPC and the Arms Act, etc. would fall in the category of heinous and serious offences and therefore are to be treated as crime against the society and not against the individual alone, and therefore, the criminal proceedings for the offence under Section 307 IPC and/or the Arms Act, etc. which have a serious impact on the society cannot be quashed in exercise of powers under Section 482 of the Code, on the ground that the parties have resolved their entire dispute amongst themselves. However, the High Court would not rest its decision merely because there is a mention of Section 307 IPC in the FIR or the charge is framed under this provision. It would be open to the High Court to examine as to whether incorporation of Section 307 IPC is there for the sake of it or the prosecution has collected sufficient evidence, which if proved, would lead to framing the charge under Section 307 IPC. For this purpose, it would be open to the High Court to go by the nature of injury sustained, whether such injury is inflicted on the vital/delicate parts of the body, nature of weapons used, etc. However, such an exercise by the High Court would be permissible only after the evidence is collected after investigation and the charge-sheet is filed/charge is framed and/or during the trial. Such exercise is not



permissible when the matter is still under investigation. Therefore, the ultimate conclusion in paras 29.6 and 29.7 of the decision of this Court in Narinder Singh [Narinder Singh v. State of Punjab, (2014) 6 SCC 466 : (2014) 3 SCC (Cri) 54] should be read harmoniously and to be read as a whole and in the circumstances stated hereinabove”

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13. Considering the law laid down by the Supreme Court in State of M.P. v. Laxmi Narayan (supra) it can be seen that this is not an ordinary fight between the neighbours, the petitioners have to thank themselves that they are not facing trial in a case of murder because in ordinary circumstances the injuries inflicted by the petitioners were sufficient to cause death. As stated in the MLC, the victim had to undergo multiple blood transfusions on 03.08.2021 and 04.08.2021. The victim had to undergo surgery and had to be kept in surgical ICU on. The MLC further reveals that the victim had suffered two stab wounds of size 5 cm × 1 cm on the left side of the midline and of size 4 cm × 1 cm on the right side of the midline, perforations were found on the bowel walls of the petitioner. It is further revealed that about 500 ml blood was found in the abdominal cavity. There were multiple tears in the bowel line and diffusion ooze was present in the bowel lining and two drains had to be placed in the abdominal cavity.

14. The victim has been attacked with a dangerous weapon i.e. a knife. As stated above, injuries are such which would have caused death in the ordinary circumstances. Applying the principles laid down by the Supreme Court in State of M.P. v. Laxmi Narayan (supra), this Court is not inclined to quash the FIR solely on the ground that the parties have entered into a compromise.”

5. The Hon’ble Supreme Court in the matter of ‘State of Madhya Pradesh v. Laxmi Narayan & Others’ (supra) had considered all the earlier judgements on the point as to whether an FIR under heinous offences can be



quashed or not and has laid down the guidelines. In para 15.4, it has been specifically mentioned that offences under Section 307 IPC and Arms Act are heinous and serious offences and they are to be treated as crime against society and the FIR in those cases cannot be quashed on the ground that the parties have resolved their entire dispute. However, exception has been carved out and it has been further held that the High Court has to examine whether Section 307 IPC was invoked only for the sake of it or there is enough evidence on record to frame the said charge.

5.1 The High Court has to examine the nature of injury sustained, the part of the body where injury was inflicted and the nature of weapon used and this exercise can be done only after collection of evidence and filing of charge sheet. This exercise is not to be done when the matter is still under investigation.

5.2 In the present case, the investigation is over. Charge sheet stands filed against the present accused persons on 12.05.2022. MLCs of both the injured persons are on record, which show that in case of Sonu Khari, two incised wounds were found on his thighs. In case of Gaurav, there was one incised wound on his right thigh, one incised wound on his left thigh, one incised wound on his upper back and two incised wounds on his left arm. The size of the incised wounds is 2X 1 cm, apparently caused by a knife.

5.3 None of the injuries sustained by both the injured persons are on any vital part of the body. The weapon used is a knife. Although, in FIR there is a mention of a revolver being used but no shot has been fired from the said pistol. Neither there is any recovery of the said pistol.

6. The prosecution has also mentioned that petitioner no.2 is a bad character of PS Roop Nagar and he is involved in 8 other matters. Regarding



the first two matters, which are of the year 1995 and 1997, the status could not be verified. The first such matter was under Section 307/34 IPC and the second matter, was under Section 147/148/149/323/34 IPC. In the third case, under Section 324/34 IPC, petitioner no.2 was acquitted and similarly, in a case under Section 279/337/304A, the petitioner stands acquitted.

6.1. Two FIRs, one under Section 498A/34 IPC and another under Section 308/324/341/391/34 IPC stands quashed whereas in two criminal cases, first under Section 68/1/14 of the Excise Act and another under Section 3/4/9/55 of DPG Act, petitioner no.2 was convicted.

7 The parties are living in the same neighbourhood and they know each other for a long time and cross-FIRs were registered regarding the same incident, it means that the injuries are also suffered by the accused side.

7.1. Both the parties went to bury their past and lead a happy life without having any grievance against each other. The injuries caused were not on any vital part of the injured persons. The weapon used is only a knife.

8. Keeping these facts in view and specially the terms of compromise deed dated 14.04.2022, I am inclined to quash the FIR bearing No.0097/2022. The same is ordered to be quashed.

9. Since, the state machinery has been put in action on the basis of a quarrel, which had taken place between the two parties and the present petitioners have moved this Court for quashing of the FIR after filing of the charge sheet, the petitioners are hereby burdened with a cost of Rs.50,000/- to be deposited as under:

(i) Rs.25,000/- with the Lawyer's Welfare Fund maintained by Delhi Bar Association; and (ii) Rs.25,000/- with the Delhi High Court Staff Welfare Fund SB A/C No. 15530110074442 maintained by UCO bank Delhi High



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Court within one month from the date of this order. Copy of the receipt of the cost be handed over to the IO within one week thereafter.

TALWANT SINGH, J

SEPTEMBER 12, 2022/nk/pa

Click here to check corrigendum, if any

