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

+ CRL.M.C. 6321/2022 & CRL.M.A. 13993/2023
GAFFAR ALI & ORS.

..... Petitioners

Through: Ms. Priya Choubey, Mr. Abhishek
Sharma and Ms. Jyoti Sharma,
Advocates.

versus

STATE (NCT OF DELHI) & ANR.

..... Respondents

Through: Mr. Hemant Mehla, APP for State
and SI Amit Rana and SI Ali Haider,
PS Mayur Vihar.

+ CRL.M.C. 6348/2022 & CRL.M.A. 13990/2023
42 SATTAR ALI & ANR.

..... Petitioners

Through: Mr. Anil Saryal and Mr. Uday
Kumar, Advocates.

versus

STATE (NCT OF DELHI) & ANR.

..... Respondents

Through: Mr. Hemant Mehla, APP for State
and SI Amit Rana and SI Ali Haider,
PS Mayur Vihar.

Ms. Priya Choubey, Mr. Abhishek
Sharma, Ms. Jyoti Sharma and Mr.
Chetan Advocates for R-2 to R-6.

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Date of Decision: 22.05.2023.

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

J U D G M E N T

DINESH KUMAR SHARMA, J. (Oral)

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CRL.M.A. 13992/2023 in CRL.M.C. 6321/2022

CRL.M.A. 13989/2023 in CRL.M.C. 6348/2022

Exemption allowed subject to just exceptions.

CRL.M.A. 13991/2023 in CRL.M.C. 6321/2022

CRL.M.A. 13988/2023 in CRL.M.C. 6348/2022

1. Present petitions bearing Crl. M.C. 6321/2022 and Crl. M.C. 6348/2022 were filed seeking quashing of cross FIR No. 89/2020 under Sections 323/354 IPC and FIR No. 92/2020 under Sections 354/323/34 IPC, both registered at PS Mayur Vihar.
2. The petitions were dismissed as withdrawn vide order dated 21.12.2022 on account that the offences for which the charge-sheet was filed were compoundable in nature. However now the applications have been moved for restoration of these petitions as offence under Section 354 IPC is not compoundable. It was held that only those offences under Section 354 IPC can be compoundable which took place before 31.12.2009 and the present alleged offence took place on 08.10.2019. Ld. Counsel prays that in light of the submissions above made, this Court may exercise its power under Section 482 Cr.P.C. and quash the present FIR on basis of the settlement.
3. In view of the submissions made both the petitions are restored back to its original number.

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4. Present petitions have been filed seeking quashing of cross FIR No. 89/2020 under Sections 323/354 IPC and FIR No. 92/2020 under Sections 354/323/34 IPC, both registered at PS Mayur Vihar. As per the FIR the

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dispute arose between two brothers namely Sattar Ali and Gaffar Ali over a car. Allegedly, Gaffar Ali asked his brother Sattar Ali for the keys of the Wagon R and it has been counter alleged that on refusal, a fight erupted. Thereafter, the wives of the brothers Sattar Ali and Gaffar Ali got registered the present cross FIRs against each other and other family members.

5. Learned counsel for the petitioners submits that both the parties are family members and have amicably resolved all their disputes with the intervention of family members and well-wishers with respect to both the FIRs. The parties have reached on a memorandum of understanding dated 21.09.2022 in CrI. MC 6321/2022 and CrI. M.C. 6348/2022 respectively on the following terms and conditions:

“1. That the Second Party had lodged an FIR against the First Party vide FIR number 0089, dated 09.03.2020, U/S 354/323 IPC, Police Station Mayur Vihar Phase - 1, East District, Delhi.

2. That it was decided between both the parties that the case lodged by the Second Party against the First Party will be withdraw by the Second Party which will be quashed under Section 482 Cr.P.C. before the Hon'ble High Court of Delhi on the compromise ground.

3. That both the parties never filed any Civil or Criminal case in future against each other in respect of the present dispute between them.

4. That the present compromise has been executed by both the parties without any pressure, fear and greed. The present compromise is processed in the presence of various old persons of the family and society.”

And

“1. That the Second Party had lodged an FIR against the



First Party vide FIR number 0092, dated 11.03.2020, U/S 354/323/34 IPC, Police Station Mayur Vihar Phase - 1, East District, Delhi.

2. That it was decided between both the parties that the case lodged by the Second Party against the First Party will be withdrawn by the Second Party which will be quashed under Section 482 Cr.P.C. before the Hon'ble High Court of Delhi on the compromise ground.

3. That both the parties never filed any Civil or Criminal case in future against each other in respect of the present dispute between them.

4. That the present compromise has been executed by both the parties without any pressure, fear and greed. The present compromise is processed in the presence of various old persons of the family and society.”

6. Parties are present in person and have been duly identified by the IO. Both the complainants in the present petitions state that they belong to the same family and have amicably settled the dispute which arose due to some misunderstandings. Parties state that they have settled the matter voluntarily out of their free will without any force, fear and coercion. Parties state that they no longer wish to pursue the present complaint and have no objection if the present FIRs are quashed. An affidavit of no objection has also been placed on record on behalf of the respondents.

7. Learned Addl. P.P. for the State submits that as per the Investigating Officer, there is no other dispute between the parties.

8. I have considered the submissions. The parties are family members and the dispute arose due to some misunderstandings over the issue of a car. Since the dispute between the parties is predominantly private in nature and the parties have settled all the disputes amicably, in the interest of justice it

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would be better to put a quietus to the dispute. The chances of conviction would be bleak given that the parties do not wish to pursue the present complaint on account of the settlement. I do not see any reason to reject the settlement.

9. Taking into account the totality of facts and circumstances, the case FIR No. 89/2020 under Sections 323/354 IPC in CrI. M.C. 6321/2022 and FIR No. 92/2020 under Sections 354/323/34 IPC in CrI. M.C. 6348/2022, both registered at PS Mayur Vihar and all consequent criminal proceedings emanating therefrom are quashed.

10. Accordingly, the present petitions stand disposed of.

DINESH KUMAR SHARMA, J

MAY 22, 2023/AR

