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

+ **CRL.M.C. 6672/2022**

SUNIL KUMAR AND ORS. Petitioner
Through: **Mr.Aashish George, Advocate**

versus

THE STATE (NCT OF DELHI) & ORS. Respondent
Through: **Mr.Pradeep Gahalot, APP for the**
State.
ASI Chandar Pal Singh, PS Farsh
Bazar.

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Date of Decision: 12.12.2022

CORAM:
HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

J U D G M E N T

DINESH KUMAR SHARMA, J. (Oral)

CRL.M.A. 25955/2022 ((exemption))

Exemption is allowed subject to all just exceptions.

Application stands disposed of.

CRL.M.C. 6672/2022

1. Present petition has been filed for quashing of FIR No.445/2014 under Section 308/323/34 IPC,PS Farsh Bazar.
2. Perusal of the FIR reveals that the parties are residents of the same locality. The incident had occurred on trivial issue which led into a free fight between the parties.

3. Learned APP submits that as per instructions, Mr.Sagar had suffered an injury on his head from a danda blow. He submits that the remaining people had also suffered simple injuries. Injured Sagar is present in person. He states that he remained in the hospital for one day. Parties submit that they have entered into an amicable settlement with the intervention of the well-wishers and common friends. IO states that after this incident there has never been any complaint against the accused persons. It has also been stated by the IO that there was no further incident of quarrel between them.
4. It has also come to notice that even though Sagar had suffered simple injuries but offence under Section 308 IPC was attributed as the injury was on the head. IO has duly identified the complainant.
5. I have perused the certified copy of the MLC being shown by the learned counsel for the petitioner. As per MLC there was abrasion on the scalp at parietal region. It seems that the incident had occurred at the spur of the moment, and it was not a pre-meditated assault. It is also a matter of debate that whether Section 308 IPC will actually be attributed or not in view of the nature of injuries.
6. The Apex court has time and again held that the High Court is entitled to quash a proceeding if it comes to a conclusion that allowing the proceeding to continue would be an abuse of the process of the court or would not lead to the ends of justice.
7. The High Court is the highest court of the State and is conferred with the power of control and superintendence over all courts subordinate to it. Besides Articles 226 and 227, Section 482 CrPC also acknowledges the inherent power of the high court to secure the ends of justice. In

cases where the offences are not compoundable in nature, the parties on account of an amicable settlement may invoke the inherent power under Section 482 Cr.P.C. for quashing the proceedings on the plea that continuance thereof would merely be an abuse of process of law.

8. Reliance can be placed on *Arun Singh and Others vs. State of Uttar Pradesh through Secretary and another* (2020) 3 SCC 736 wherein correctional objective of criminal law was given more weightage than the theory of deterrent punishment. It was inter alia held that In such cases, the court may be of the opinion that a settlement between the parties would lead to better relations between them and would resolve a festering private dispute and thus may exercise power under Section 482 CrPC for quashing the proceedings or the complaint or the FIR as the case may be.
9. Now since the parties who are neighbours, have decided to settle the matter and they have cleared all their disputes, it would be in the interest of justice that the matter is put to quietus.
10. To secure the ends of justice, FIR No.445/2014 under Section 308/323/34 IPC,PS Farsh Bazar is quashed. All the proceedings emanating therefrom also stand quashed.
11. The petition stands disposed of.

DINESH KUMAR SHARMA, J

DECEMBER 12, 2022

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