

\$~103

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

+ **CRL.M.C. 303/2023**

MAHINDER SINGH AND ORS

.... Petitioners

Through: Mr. R.S. Malik with Mr. Sahil Malik,
Mr. Sidhant Ranta, Advocates.

versus

THE STATE AND ANR

..... Respondents

Through: Mr. Satinder Singh Bawan, APP for
the State with ASI Subhash, PS
Mundka.
Mr. Puran, Advocate for the
complainant.

%

Date of Decision: 18th January, 2023

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

J U D G M E N T

DINESH KUMAR SHARMA, J. (Oral)

Crl.M.A.1238/2023 (exemption)

Exemption allowed subject to all just exceptions.

CRL.M.C. 303/2023

1. Present petition has been filed for quashing FIR No.0752/2022 under Sections 452/325/506/34 IPC registered at Police Station Mundka lodged on the statement of the complainant Manjeet Singh, alleging that the petitioner had assaulted him.

2. Learned Counsel for the petitioner submits that the parties have arrived at a compromise and a settlement deed dated 23.12.2022 has been

executed between them. The settlement deed dated 23.12.2022 reads as below:-

“WHEREAS the first parties are the accused persons and second party is the complainant in FIR No.0752/2022, Under Section 452/325/506/34 IPC, registered at P.S. Mundka, Delhi.

WHEREAS the parties are living in the same vicinity for last so many years and are known to each other and maintained cordial relations between them since long. They have lived peacefully in the past and desire to live in the same manner in future.

AND WHEREAS the first party has expressed regret and the second party has condoned, thereby none of the parties have got any grudge against each other and the first party and second party have amicably settled the matter by the intervention of common friends, immediate neighbours and elders of the society. It is further stated that both the parties with their fair consent have settled the matter with each other amicably and voluntarily without any force, pressure, coercion or influence from any corner whatsoever. Both the parties with their free will and accord have decided to drop, withdraw and settle all the legal proceedings resulting registration of the FIR No.0752/2022, Under Section 452/325/506/34 IPC, registered at P.S. Mundka, Delhi.

AND WHEREAS the parties to maintain peace and harmony among themselves and in the spirit to reunite their relations by forgiving the grudges and resolved all issues inter-se amicably.

AND WHEREAS with the intervention of the respectable persons of the society the grievances, dispute and claims have been amicably settled and compromised between the parties and no party is left with any grudges against each other in the present case.

AND WHEREAS, the second party has agreed to withdraw the said FIR mentioned herein above and both the parties have agreed to quash the FIR No.0752/2022, Under Section 452/325/506/34 IPC, registered at P.S. Mundka, Delhi from the Hon'ble High Court. It has further agreed between both the parties that the first party shall file a petition before the Hon'ble High Court for quashing of the above said FIR and the second party has categorically undertaken to co-operate with the first party in the process of quashing of the captioned FIR. The FIRST PARTY shall file the petition for quashing of FIR No.0752/2022, Under Section 452/325/506/34 IPC, registered at P.S. Mundka, Delhi within 30 days after the signing of the present deed.

AND WHEREAS this compromise deed has not been made/signed under any force, pressure, threats, coercion and the same is done by the abovesaid parties with their free consent, in full senses and in disposing state of mind in the present case.

AND WHEREAS it is also agreed that there shall not be any dispute remaining between both the parties and both the parties shall not raise any claim against each other with regard to the present dispute in any manner whatsoever. It has been settled and agreed by both the parties that the second party has taken care of the first party, regarding their grievances, pain and agony and shall live peacefully in future.

AND WHEREAS both the parties hereto have signed, delivered and set their hands on this compromise deed on 23rd day of December, 2022 and is placed first hereinabove mentioned.

3. The complainant is present in court. He states that he has settled the matter amicably with the petitioners without any fear, force or coercion and has no objection if FIR No.0752/2022 under Sections 452/325/506/34 IPC registered at Police Station Mundka and all the proceedings emanating therefrom are quashed.

4. The petitioners are also present in court and state that they are neighbours for the last 25 years and no such incident occurred prior to this or thereafter.

5. The Investigating Officer has duly identified the parties and states that subsequent to the present proceedings, there is no other case or complaint against the parties. Both parties have undertaken to maintain peace and harmony.

6. The scope of powers conferred under Section 482 Cr.P.C. though wide but has to be exercised with circumspection. Such power has to be exercised in accord with the guidelines engrafted in such power viz.: (i) to secure the ends of justice, or (ii) to prevent abuse of the process of any court. 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 482Cr.P.C. for quashing the proceedings on the plea that continuance thereof would merely be an abuse of process of law. The Supreme Court and this Court have time and again quashed the criminal proceedings that arise out of disputes having an overwhelming or predominant element of a civil dispute. Reliance can be placed upon *Gian Singh v. State of Punjab*, (2012) 10 SCC 303 and *Yashpal Chaudhrani and Others vs. State (Govt. of NCT Delhi) and Another*, 2019 SCC OnLine Del 8179.

7. In the present case, both parties are neighbours and live in the same vicinity. A perusal of the FIR indicates that a quarrel had taken place on the ground of levelling of the road. In my considered opinion, it is in the interest of social harmony that parties are given a chance to adhere to the settlement. There would be no purpose in continuing with the present proceedings.

8. Accordingly, the case FIR No.0752/2022 under Sections 452/325/506/34 IPC registered at Police Station Mundka and all the proceedings emanating therefrom are quashed.

DINESH KUMAR SHARMA, J

JANUARY 18, 2023

St..

