



\$~86 to 89

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

+ CRL.M.C. 670/2023

MUKESH KUMAR & ORS. Petitioners

Through: Mr. Ajit Nair and Mr. Harsha Advs.

versus

STATE NCT OF DELHI & ANR. Respondents

Through: Mr. Hemant Mehla, APP for the State
with SI Jay Prakash, PS Indurpuri.
Mr. Sahil Sharma. Adv. for R-2
(through VC)

87

+ CRL.M.C. 675/2023

MUKESH KUMAR & ORS. Petitioners

Through: Mr. Ajit Nair and Mr. Harsha Advs.

versus

STATE NCT OF DELHI & ANR. Respondents

Through: Mr. Hemant Mehla, APP for the State
with SI Jay Prakash, PS Indurpuri.
Mr. Pramath Kumar Sharma, Adv. for
R-2

88

+ CRL.M.C. 677/2023

G RAVI NAYAKAR AND ORS Petitioners

Through: Mr. Sahil Sharma. Adv. (through VC)

versus

STATE NCT OF DELHI AND ANR. Respondents



Through: Mr. Hemant Mehla, APP for the State
with SI Jay Prakash, PS Indurpuri.
Mr. Ajit Nair and Mr. Harsha Advs.
for R-2

89

+ CRL.M.C. 679/2023

DUKHA PODDAR & ORS.

..... Petitioners

Through: Mr. Sunny Pandey, Mr. Anand Singh,
Advs.
Mr. Pramath Kumar Sharma, Adv. for
P-2

versus

STATE NCT OF DELHI & ANR.

..... Respondents

Through: Mr. Hemant Mehla, APP for the State
with SI Jay Prakash, PS Indurpuri.
Mr. Ajit Nair and Mr. Harsha Advs.
for R-2

%

Date of Decision: 04.09.2023

CORAM:
HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

J U D G M E N T

DINESH KUMAR SHARMA, J. (Oral)

1. Present petitions have been filed seeking quashing of the following FIRs on the basis of a voluntary settlement arrived at between all the parties on 10.07.2022. Briefly stated the facts are that the parties herein, got into a fight with each other owing to misunderstandings and



various circumstantial differences, which led to the registration of the FIRs against each other. The particulars of the FIRs in each petition have been tabulated below for ease of reference.

Case	FIR Details	Complainant/R2	Accused/Petitioners	MLC
Crl. M.C. 670/2023	FIR No. 165 dated 05.09.2018 registered u/s 326/34 IPC at PS Inderpuri.	PV Vignesh	1. Mukesh Kumar 2. Jayant @ Rohit 3. Vinay Kumar 4. Ram 5. Shyam	Nature of injury was grievous with sharp object. MLC mentions that there was wide cut deep abrasion at the back of the neck and cerebral; small abrasions at multiple site of skull; some small glass particles were penetrated in the skull.
Crl. M.C. 675/2023	FIR No. 121 dated 03.06.2017 registered u/s 308/34 IPC at PS Inderpuri.	Dukha Poddar	1. Mukesh Kumar 2. Mamta Devi 3. Mohit 4. Jayant @ Rohit 5. Vinay Kumar 6. Ram	Nature of injury was Simple with Blunt object. A/H/O Physical assault, LOC (+) No H/O ENT bleed/seizure/ vomiting. Swelling (+) cut on (R+) forearm 4X4 cm approx. CLW (+) cut approx. 5X1 cm on occipital region.



Crl. M.C. 677/2023	FIR No. 318 dated 26.10.2015 registered u/s 323/341/506/34 IPC at PS Inderpuri. Later, sections 307 IPC and 3(1) SC & ST Act were added.	Vinay Kumar	1. G Ravi Nayakar 2. G Rajender 3. Valter Prabhu Selvam 4. GP Muthu	Nature of injury was stated to be simple. A/H/O physical assault by blunt weapon.
Crl. M.C. 679/2023	FIR No. 122 dated 03.06.2017 registered u/s 308/34 IPC at PS Inderpuri.	Mamta Devi	1. Dukha Poddar 2. Shanti Devi 3. Poonam 4. Pooja Kumari 5. Jitender Kumar 6. Davender Ray	Nature of injury was stated to be simple. A/H/O physical assault, NoH/O LOC (+) Cut ENT Blood/ Seizure/Vomiting, CUO (+) Cut approx. 3X1 cm on forehead region.

2. Learned counsel for the petitioners and respondents submit that the parties herein are members of three different families living in the same neighborhood in adjacent Jhuggis at Inderpuri. It has been submitted that the parties belong to the poorest of strata's. Learned counsel submits that the above mentioned FIRs arose due to disputes stemming from misunderstandings and miscommunications between the parties from 2015 to 2018. It has been submitted that the disputes were of a personal nature which eventually led to parties having physical altercations between them. However the injuries sustained as a result of these disputes were not permanent or very serious and the parties have voluntarily resolved all their disputes.

3. As per the Status Report some of the accused persons were sent



to judicial custody and were eventually admitted to bail while the others were granted anticipatory bail. Chargesheet is stated to have been filed in these matters and the matter is pending adjudication before the learned Trial Court.

4. Learned counsel however submits that while the proceedings were underway, with the help of family and friends, the parties amicably settled all their disputes vide Settlement Deed dated 10.07.2022 on the following terms and conditions:

“1. Vinay Kumar of Party No.3 has no objection if the F.I.R No. 318/2015 is quashed against G. Ravi Nayakar, Rajinder Kumar, Valter Prabhu, G.P. Muthu of Party No.1.

2. Dukha Poddar of Party No.2 has no objection if the F.I.R No.121/2017 is quashed against Mukesh, Mama, Mohit, Rohit, Vinay of Party No.3.

3. Mamta of Party No.3 has no objection if the F.I.R No. 122/2017 is quashed against Dukha Poddar, Shanti, Poonam, Pooja, Jitender, Rakesh, Davendar Ray of Party No.2.

4. P. Vigrdsh of Party No.1 has no objection if the FIR No. 165/2018 is quashed against Mukesh, Rohit, Vinay, Ram, Shyam of Party No.3.

5. That the above named Complainant of each F.I.R(s) undertake to furnish a copy of the present settlement to the Investigation Officer of respective F.I.R(s) and in which ever Court(s) the subject F.I.R(s) are pending for trial so as the respective Investigating Officer and Ld. Trial Court is duly



informed about the present Mutual Settlement between the Parties (i.e. Complainant and Accused persons.

6. *That the Parties have also accepted and admitted amongst themselves that the offence mentioned in the respective F.I.R(s) were due to misunderstanding between the Parties otherwise neither there was intention and/or knowledge with the Accused persons of the above said respective F.I.R(s) to commit serious offence against the Complainant or his/her family members in the respective F.I.R(s).*

7. *That the Parties agree that due to the pendency of the subject 'F.I.R(s) the differences are continuing causing disharmony in the neighborhood which needs to be prevented any further and therefore it is resolved that the Parties in no manner shall indulge in any Criminal Activities in future.*

8. *That the present Mutual Settlement has been entered by each of the Parties voluntarily, without force, undue influence, coercion and pressure from anyone as the disputes are purely personal in nature.*

9. *That the Parties repent for the quarrels which have taken place earlier and have forgotten and forgiven each other with the resolution that they shall not repeat any such act in future.*

10. *That the Parties have signed the present Mutual Settlement after understanding the contents in there vernacular language particularly Hindi."*

5. Learned counsel submits that pursuant to the above settlement the parties no longer wish to pursue the present complaints and want to



put a quietus to the same. It has been submitted that the complaints were lodged out of spite and in the heat of the moment. It has been further submitted that there was some past animosity between the families. Learned counsel submits that however in order to bring peace and harmony in their neighborhood the parties have resolved not to engage in such activities hereon.

6. Parties are present in person and have been duly identified by the IO. The complainants namely PV Vignesh, Dukha Poddar, Vinay Kumar and Mamta Devi state that they have voluntarily resolved all their disputes with the petitioners and no longer wish to pursue the present complaints. They state that the disputes were of a personal nature and arose due to some misunderstandings which now have been settled. They further state that there was neither any intention nor knowledge nor such a circumstance that had death been caused, the petitioners would be guilty of culpable homicide not amounting to murder. They further state that they have no objection if the present FIRs and the consequent proceedings emanating therefrom are quashed. They state that they have entered into the settlement voluntarily without any fear, force or coercion. An affidavit of No Objection has also been filed on behalf of each complainant/respondent No.2 along with the present petitions.

7. Submissions considered.

8. Admittedly the dispute in the instant matter was of a personal nature and arose due to misunderstandings which now stands amicably resolved. The parties are stated to be neighbors and are well known to each other. The complainants have stated that they do not wish to



continue with the present complaints and want to put a quietus to the same in order to maintain peace and harmony in their neighborhood and also among their families. In such circumstances even if trial is allowed to continue, there is a bleak and remote chance of conviction, given that the parties have resolved their dispute and do not want to pursue the complaints. It has also come to this Court's attention that in case FIR No. 165/ 2018 as per the MLC the complaint suffered grievous injury with a sharp object. Further, case FIR No. 122/2017 was registered under sections 308/34 IPC. However as per the MLC, the nature of injury in the said case was stated to be simple. It is settled that merely because a case is registered under section 308 IPC, it would not debar the court from quashing the FIR. The law is no longer *res integra* that this Court can quash any criminal proceedings in order to secure the ends of justice or to prevent the abuse of the process of the courts. The power under the inherent jurisdiction is of wide plenitude and should be exercised cautiously depending on the facts and attendant circumstances of each case. In the present case, admittedly the parties have stated that they did not possess any intention or knowledge to cause any serious harm to each other. Moreover, the parties are neighbors and have urged never to resort to such actions in the future. I consider that to maintain social harmony and good relations between the parties, it would be in the interest of justice that the present complaint and proceedings emanating therefrom are quashed.

9. Taking into account the totality of facts and circumstances of the case, and in view of the submissions of respondent



No.2/complainants, FIR No. 165/2018 registered u/s 326/34 IPC in CrI MC 670/2023; FIR No. 121/2017 registered u/s 308/34 IPC in CrI MC 675/2023; FIR No. 318/2015 registered u/s 323/341/506/34 IPC in CrI. M.C. 677/2023; and FIR No.122/2017 registered u/s 308/34 IPC in CrI. M.C. 679/2023, all registered at PS Inderpuri, and all emanating proceedings/offences therefrom are quashed.

10. The present petitions stand disposed of.

DINESH KUMAR SHARMA, J

SEPTEMBER 4, 2023/rk