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

+ **CRL.M.C. 3808/2023**

DEEPAK GILL

..... Petitioner

Through: **Mr. Saurabh Srivastava, Adv.**

versus

THE STATE (NCT OF DELHI) AND ANR. Respondents

Through: **Mr. Raghuvinver Verma, APP for the State**

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Date of Decision: 24th May, 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. 14334/2023(Exemption)

Exemption is allowed subject to all just exceptions.

CRL.M.C. 3808/2023

1. The present petition has been filed under Section 482 Cr. PC seeking quashing of FIR No. 218/2020 registered at PS Hari Nagar, under Sections 308/34 IPC. The said FIR was lodged on the statement of respondent No. 2/complainant alleging therein that on 10.04.2022 at around 08:00 pm, petitioner no 2 visited the house of the respondent



no 2 and took him to the house of petitioner no 1 and gave beatings to the respondent no. 2 due to which he was admitted to hospital and next day he went to the police station. Basis the same, the present FIR came to be lodged. Chargesheet has not yet been filed.

2. It has been submitted that while the proceedings were underway, the parties arrived at an amicable settlement on 20.04.2023 on the following terms and conditions:

“1. That both the parties, with the intervention of the common persons, and respectable persons of the society, have amicably settled the matter between them as they want to lead their respective lives peacefully.

2. That the first party has also settled all his grievances and the first party taking into consideration the cordial relations does not want to pursue the matter anymore against the second party as both the parties are normal friends.

3. That the first party undertakes that he shall appear before the Hon'ble High Court for the recording of his statement and will co-operate for quashing of the FIR and in view of this compromise, both the parties have agreed to move a petition U/s 482 Cr.P.C. for quashing the above said FIR.

4. That on the complaint of the second party an FIR no. 218/2023, U/s 323/34 IPC was registered at P.S. HARI NAGAR against the first party and the second party has also settled his grievances with the first party in regard to the said FIR and is ready to co-operate in quashing the same.

5. That this compromise has been made between the parties with their own sweet and free will without use of any coercion or force from outside and thereafter nothing shall remain due from Second party / accused person to the first party / complainant.



6. That all the parties have taken their independent legal advice and have signed the present compromise deed with their own free will, consent and without and coercion and pressure from any corner.”

3. It has been submitted that in terms of the above settlement, the parties no longer wish to pursue the present complaint. The parties are present in person and have been duly identified by the IO. Respondent No.2 states that the petitioners and him are known to each other and the FIR arose due to some misunderstandings. He states that he has no grievance remaining against the petitioners and no longer wishes to pursue the present FIR. Respondent No.2 states that now he wants to move on with his life. He states that he has entered into the settlement voluntarily out of his own free will, without any fear, force or coercion. He states that he has no objection if the present FIR and all criminal proceedings emanating therefrom are quashed. An affidavit of no objection has also been filed along with the present petition. It has been submitted that another cross FIR was also lodged against the respondent No.2 which has also been settled. IO states that there is no other case pending against the parties.
4. Learned APP submits that although the injuries were on the head but were found simple in nature.
5. I have considered the submissions. The parties are known to each other. The dispute stated to have arisen due to misunderstandings which now stand amicably resolved. The injuries sustained by the complainant were stated to be simple in nature. 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 would be better to put a quietus to the dispute. The chances of conviction would also be bleak and remote, 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.

6. Taking into account the totality of facts and circumstances, the case FIR No. 218/2020 registered at PS Hari Nagar, under Sections 308/34 IPC and all other proceedings emanating therefrom are quashed subject to the cost of Rs.10,000/- to be deposited with Delhi High Court Staff Welfare Fund.
7. With these directions, the petition stands disposed of.

DINESH KUMAR SHARMA, J

MAY 24, 2023

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