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

+ **W.P.(CRL) 1562/2023**

HARI MOHAN SINGH & ANR. Petitioners

Through: Mr. Deepak K. Singh, Mr. Abhimanyu Kumar and Mr. Kanhaiya Kumar, Advs.

versus

STATE OF NCT OF DELHI & ORS. Respondents

Through: Mr. Amol Sinha, ASC with Mr. Kshitiz Garg, Mr. Ashivini Kumar and Mr. Chavi Lazarus, Advs. and SI Sumit, PS Sangam Vihar.

+ **W.P.(CRL) 1563/2023**

BACHARAM SHARMA & ANR. Petitioners

Through: Mr. Sunny Kumar, Mr. Puneet Aggarwal and Mr. Yashvardhan Bhatt, Advs.

versus

STATE OF NCT OF DELHI & ORS. Respondents

Through: Mr. Amol Sinha, ASC with Mr. Kshitiz Garg, Mr. Ashivini Kumar and Mr. Chavi Lazarus, Advs. and SI Sumit, PS Sangam Vihar.

% *Date of Decision: 21.08.2023.*

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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1. The present petitions have been filed seeking quashing of case FIR No. 421/2022 under Sections 308/34 IPC registered at PS Sangam Vihar and FIR No. 420/2022 under Sections 323/341/354/34 IPC registered at PS Sangam Vihar.
2. The FIR No. 421/2022 has been filled on the statement of Bacharam Sharma. Briefly stated, a PCR call was received at PS Sangam Vihar vide DD No. 113A Dated 29/06/2022. IO/HC Buddhi Prakash reached at the spot where he came to know that PCR van took the injured to AIIMS Trauma Center for treatment. HC Buddhi Prakash reached AIIMS Trauma Center and collected MLC No, 500321827/22 of injured Pratima w/o Bacha Ram R/o H. No. F-3/552, Sangam Vihar, Delhi. Wherein the doctor gave A/H/O: Assault by 3-4 persons, particular of injury Laceration over left parietal region of scalp 1x1 CM, Laceration over left ear –pinna 0.5x0.5 CM and nature of injury - pending investigation, and on MLC No. 500321828/22 of injured Bacha Ram S/o Khachedu Ram R/o H. No. F3/22 Sangam Vihar, Delhi gave A/H/O: Assault by 3-4 known persons, Laceration 1x1 CM approx. over RT eyebrow and Laceration 1x1 CM approx. over scalp, nature of injury - Pending investigation. On dated 30/06/2022 injured Bacha Ram S/o Khachedu Ram gave a written complaint regarding the incident at PS Sangam Vihar, wherein he stated that on 29/06/2022, when he came back from work his wife Pratima told him that Hari



Mohan and his wife Ruchika has beaten her. He and his wife went to Ruchika for asking about the quarrel. Suddenly they started beating him and his wife Ruchika with iron rod and bricks. They called police and went to AIIMS trauma center for treatment. On the complaint of Bacha Ram Case FIR No. 421/2022 dated 01/07/2022 U/S 308/34 IPC, PS Sangam Vihar was registered.

3. Similarly, the FIR No. 420/2022 was lodged on the statement of Harimohan Singh. Briefly stated, a PCR call was received at PS Sangarm Vihar vide DD No. 113A Dated 29/06/2022 and the same was entrusted to IO/HC Rishi Dev for taking necessary action. IO/HC Rishi Dev reached spot where he came to know that PCR van has taken took the injured to JPNATC AIIMS for treatment. HC Rishi Dev reached AIIMS and collected MLC No. 500321815/22 of injured Ruchika w/o Hari Mohan Rio H. No. F-3/552, Sangam Vihar, Delhi, wherein the doctor gave A/H/O: Assault by 5-6 known persons, particular of injury swelling over back of left ear and nature of injury - pending investigation, and on MLC No. 500321817/22 of injured Pra11hna D/o Hari Mohan Rio H. No. F3/22, Sangam Vihar, Delhi, the doctor gave A/H/O: Assault by 5-6 known persons, particular of injury abrasion over scalp and nature of injury- simple. On dated 30/06/2022, husband of injured Ruchika namely Hari Mohan gave a written complaint regarding the incident at PS Sangam Vihar, wherein he stated that on 29/06/2022 when he was not at home, Bacharam Sharma and two other person misbehaved with his wife and daughter. Then his wife and



daughter resisted they had beaten her wife and daughter during which her daughter and wife suffered grievous injuries on their neck and shoulder. A Case FIR No. 420/2021 u/s 323/341/354/34 IPC Dated 01/07/2022, PS Sangam Vihar was registered. After the investigation the charge-sheet was filed in both the matters.

4. Learned counsel for the petitioners submits that the parties are neighbours to each other and have amicably resolved all their disputes with the help and intervention of well-wishers and common friends. vide settlement deed dated 17.08.2023 on the following terms and conditions:

“1. That Party at First Part and Party at Second Part earlier neighbors residing at Sangam Vihar, New Delhi,

2. That Party at First Part and Party at Second Part have some disputes arose and accordingly both have lodged the complaints against each other which was registered as FIR No.421/2022 (308/34 IPC) and 422 2032 (323/354/34 IPC) PS Sangam Vihar respectively.

3. That after intervention of mutual friends and respectable persons of society Party at First Part and Party at Second Part amicably resolved their issues with each other.

4. That by making this Memorandum of Settlement without any coercion or threat party at First Part and Party at Second Part are giving their mutual consent at free will without any coercion or threat or undue advantage that both parties have no objection if both the FIRs be quashed by Hon'ble High Court.

5. That party at First Part filed the Writ Petition (Crl)



No1563/2023 and party at Second Part filed Writ Petition (Crl) No.1562/2023 for quashing of respective FIRS lodged against each other.

6. That both the parties will not in any way interfere in the lives of each other nor shall try to defame each other in any manner whatsoever.

7. That both parties shall abide by all terms and conditions as mutually agreed and shall not withdraw from the same under any circumstances.

8. This is true and correct statement of both parties.”

5. All the parties are present in court and have duly been identified by the IO and submit that they have entered the settlement voluntarily without any fear, force or coercion.
6. Since the dispute is predominantly private in nature and the parties have settled all the disputes amicably, the chances of conviction would also be bleak and remote. Given that the parties do not wish to pursue the present complaints on account of the settlement. I do not see any reason to reject the settlement. Furthermore, 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.
7. It has been repeatedly held by the Hon'ble Supreme Court and this court that merely because the FIR is registered under Section 308 IPC, it would not debar the court from quashing the FIR. The court has to look at the nature of injuries and all the attendant circumstances. Reliance may be placed upon **Yashpal Chaudhrani and Others vs.**



State (Govt. of NCT Delhi) and Another, 2019 SCC OnLine Del 8179; **Gian Singh v. State of Punjab**, (2012) 10 SCC 303.

8. Taking into account the totality of facts and circumstances, the case FIR No. 421/2022 under Sections 308/34 IPC and FIR No. 420/2022 under Sections 323/341/354/34 IPC, both registered at PS Sangam Vihar, and all proceedings emanating therefrom are quashed.
9. The present petitions stand disposed of.

DINESH KUMAR SHARMA, J

AUGUST 21, 2023/AR