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

+ **CRL.M.C. 3395/2022**

YOGESH@BUNTY

..... Petitioner

Through: Mr. Naina Kejriwal and Mr. Yoganter
Goel, Advs. with petitioner.

versus

STATE OF N.C.T. DELHI & ANR.

..... Respondents

Through: Mr. Digam Singh Dagar, APP for
State and SI Devendra Singh, PS
Jafrabad, Delhi.

Mr. Anupam Sharma, Adv. for R-2.

Date of Decision: 02.06.2023.

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CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

J U D G M E N T

DINESH KUMAR SHARMA, J. (Oral)

1. The present petition has been filed seeking quashing of case FIR No. 401/2016 registered under section 323/354/506/509 I.P.C. registered at police station Jafarabad, North-East, Delhi. It has been stated that after the investigation charge-sheet has been filed.
2. The FIR was lodged on the statement of respondent No.2/ Sh. Ramavtar. The matter is between landlord-tenant. Petitioner who is the landlor of Respondent no.2 came with his 10-12 friends in the flat

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situated downstairs and started drinking alcohol and after drinking started abusing the Respondent No.2 and also hit Respondent No.2. now, the parties with the intervention of their family members and friends have settled their dispute, amicably and peacefully.

3. Now the parties have entered into a settlement vide compromise deed dated 29.04.2022. It has been stated by respondent no.2 has vacated the premises. The matter has been amicably settled.
4. The settlement deed dated 29.04.2023 is on record and the terms and conditions contained therein are as follows: **PLS ADD**

COMPROMISE DEED

“WHEREAS a case U/s 323/354/354B/506/509 IPC was registered by the second Party/complainant against the first party/accused at P.S. Jafrabad, Delhi vide FIR NoA0112016.

AND WHEREAS since both the parties are landlord and tenant at Maujpur, Delhi and due to intervention of the relatives and friends of both the parties, they have decided to compromise the above noted FIR and the Complainant/second Party do not want proceed the said case against the Accused persons/first Party anymore for secure the end of justice.

AND WHEREAS the Complainant/second Party entered with the Accused Persons/first Party in the Compromise without any Force, pressure, coercion, fear or undue influence and out of their own will and consent and there is no dispute between the First Party/accused persons and Second Party/complainant.

AND WHEREAS both the parties have settled their



dispute amicably and there is no grievance between the parties against each other presently and the second Party now intends to compound the offence against the first Party in the case mentioned above.

AND WHEREAS the second Party/Complainant undertakes to cooperate the first Party in getting the FIR case quashed before the Hon'ble High Court of Delhi at New Delhi.

AND WHEREAS both the parties undertake that they will not file or lodge any case in future against each other and shall maintain the peace, harmony and tranquillity in future.

AND WHEREAS the contents of the compromise Deed have been read over in vernacular language to both the parties and after hearing the same they have signed the present deed as correct.

IN WITNESS WHEREOF both the parties have put their signature in front of the following witnesses on the date, month and year as mentioned above."

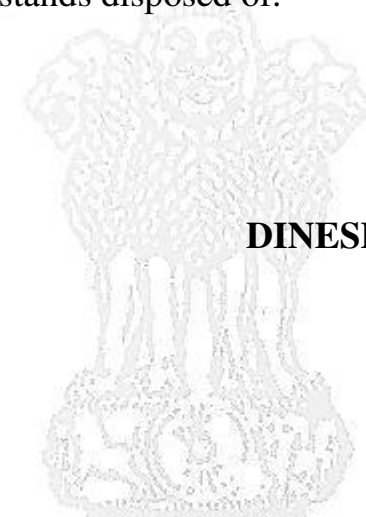
5. The parties are present and state that they have entered into the settlement voluntarily out of their own free will without any fear force or coercion.
6. The IO has duly identified the parties.
7. It has been repeatedly held by the Hon'ble Supreme Court and this court that when the chances of an ultimate conviction are bleak and, therefore, no useful purpose is likely to be served by allowing a criminal prosecution to continue, the court may while taking into consideration the special facts of a case quash the proceedings.



8. This court considers that there would be no purpose of continuing with the trial as the parties have reached on a settlement and have decided to give quietus to the proceedings.
9. Taking into account the totality of facts and circumstances, the case FIR no No. 401/2016 registered under section 323/354/506/509 I.P.C. registered at police station Jafarabad, North-East, Delhi and all the proceedings emanating therefrom are quashed.
10. The present petition stands disposed of.

JUNE 2, 2023/AR

DINESH KUMAR SHARMA, J



न्यायमेव जयते