



\$~94 & 95

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

+ **CRL.M.C. 6107/2023, CRL.M.A. 22956/2023**

RAJNEESH KUMAR & ANR. Petitioner

Through: Mr.Yash Aggarwal and
Ms.Chitrakshi, advts.

versus

STATE OF NCT OF DELH & ORS. Respondents

Through: Mr.Amit Sahni, APP for the State.
Mr.S.K.Gautam and Mr.Jitender
Sapra, advts. for R-2, R-3 and R-4
with R-2, R-3 and R-4 in person.
SI Bhoop Singh, ASI Brajendra Singh
and ASI Shamsher Singh, PS Dwarka
North

+ **CRL.M.C. 6168/2023**

RAJESH KUMAR & ORS. Petitioners

Through: Mr.S.K.Gautam and Mr.Jitender
Sapra, advts. for P-1, P-2 and P-3
with P-1, P-2 and P-3 in person.

versus

THE STATE GOVT OF NCT OF DELHI & ORS. Respondents

Through: Mr.Amit Sahni, APP for the State.
Mr.Yash Aggarwal and
Ms.Chitrakshi, advts. for
complainant.
SI Bhoop Singh, ASI Brajendra Singh
and ASI Shamsher Singh, PS Dwarka
North

CRL.M.C. 6107/2023 & CRL.M.C. 6168/2023

Page 1 of 7



%

Date of Decision: 29.08.2023

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

J U D G M E N T

DINESH KUMAR SHARMA, J. (Oral)

1. The Present petitions have been filed under section 482 Cr.P.C seeking quashing of FIR No.441/2020 registered under Section 323/354/354(A)/506/34 IPC in CRL.M.C. 6107/2023 and FIR no.440/2020 registered under Section 308/354(B)/506/34 IPC in CRL.M.C. 6168/2023 both dated 05.09.2020 at PS Dwarka North.
2. Facts, in brief, are that the parties are living in close vicinity of each other. Certain disputes arose between the parties and owing to those disputes the parties lodged the present Cross-FIRs against each other.
3. Learned Counsel submitted that the present FIR no.441/2020 was lodged on the statement of respondent No.2 alleging therein that on 04.09.2020 when respondent No.2 was going for some work, petitioner no.1 blocked her path, started cursing and holding his private part and informed about the same to the parents about the said incident. Thereafter, when the parents went to talk to the petitioner, both the parties initially entered into a verbal dispute and later started beating.
4. Similarly, in FIR no.440/2020 was lodged by respondent no.2 alleging therein that on 04.09.2020, when petitioners were talking to her tenants, one of the petitioner gave beating with a stick and tore her clothes due to

CRL.M.C. 6107/2023 & CRL.M.C. 6168/2023

Page 2 of 7



which she got fainted and got injuries and thereafter the present FIR was lodged.

5. However, both the parties are neighbours and have entered into a settlement vide settlement deed dated 11.08.2023 on the following terms and conditions.

- a) *That all the constituents of "First Part" have agreed to unconditionally withdraw, abandon and give up all allegations and grievances against the "Second Part" and accordingly "Third Party of First Part" do not want to pursue the said FIR No. 441/2020 dated 05/09/2020 U/s 323/354/354(A)/506/34 IPC PS Dwarka North, New Delhi and all proceedings emanating therefrom.*
- b) *That all the constituents of "Second Part" have agreed to unconditionally withdraw, abandon and give up all allegations and grievances against the "First Part" and accordingly "First Party of Second Part" do not want to pursue the said FIR No. 440/2020 dated 05/09/2020 U/s 308/354B/506/34 IPC PS Dwarka North, New Delhi and all proceedings emanating therefrom.*
- c) *That all the constituents of "First Part" shall file quashing of FIR No. 440/2020 dated 05/09/2020 U/s 308/354B/506/34 IPC PS Dwarka North, New Delhi and all proceedings emanating therefrom before Hon'ble High Court Of Delhi and all the constituents of "Second Part" shall cooperate and will not oppose quashing of the said petition for quashing to be filed and they will provide and execute necessary documents/ NOC by way of affidavit in this regards in favour of the "First Part".*
- d) *That all the constituents of "Second Part" shall file quashing of FIR No. 441/2020 dated 05/09/2020 U/s 323/354/354(A)/506/34 IPC PS Dwarka North, New Delhi and all proceedings emanating therefrom before Hon'ble High Court Of Delhi and all the constituents of "First Part" shall cooperate and will not oppose quashing of the said petition for quashing to be filed and they will provide and execute necessary documents/ NOC by way of affidavit in this regards in favour of the "Second Part."*



- e) *That it is also agreed between the parties that at the time of quashing of the said FIR No. 440/2020 dated 05/09/2020 U/s 308/354B/506/34 IPC PS Dwarka North, New Delhi before this Hon 'ble Court, the "First Party of First Part" shall pay Rs. 1,50,000/- to the "First Party of Second Part" as a compensation for the loss of time and expenses incurred in the said litigation.*
 - f) *That after in view of present Memorandum of Understanding, the parties herein shall have no grievance or claim of any nature left against each other.*
 - g) *That the present Memorandum of Understanding shall be binding on the parties herein and in future neither party shall file any kind of case against each other.*
 - h) *That in case of any violation of the present settlement, the parties shall be free to take legal course of action.*
 - i) *That the amicable understanding by way of present Memorandum of Understanding between the parties has taken place out of their free will, wish and consent, without any kind of pressure, coercion or threat etc. from any person whatsoever.*
6. I have interacted with the complainants who are present in Court and have duly been identified by the Investigating Officer. The complainants stated that they have arrived at the compromise voluntarily, out of their own free will, without any fear, force or coercion. Further, they state that they have no objection if the present FIR and the proceedings emanating therefrom are quashed.
7. It has also come to the notice in case FIR no. 440/2020, one of the respondents had suffered grievous injuries, therefore offence under Section 308 IPC was attributed. As per record they were assaulted with Danda. As per MLC there was swelling and tenderness on the head. It seems that the incident had occurred at the spur of the moment, and it



was not a pre-meditated assault. 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. The weapon of offence was Danda. The facts in the totality do not indicate that there was any intention of knowledge or the act was committed under such circumstances that had the death been caused, the petitioner would be guilty of culpable homicide not amounting to murder.

8. It has repeatedly been held by this court and the Hon'ble Supreme Court that if there is a trivial dispute between the parties and they have settled the matter amicably, it is desirable to put a quietus to the matter in dispute. It has also been held 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 can be placed on *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.
9. Now since both the parties live in the same vicinity and have undertaken to maintain peace and harmony. In my considered opinion, it is in the interest of social harmony that they are given a chance to adhere to the settlement, which has been entered into between the parties out of their own free will.
10. Taking into account the totality of facts and circumstances and the fact that the parties have amicably decided to settle the matter, the case FIR quashing of FIR No.441/2020 registered under Section



323/354/354(A)/506/34 IPC in CRL.M.C. 6107/2023 and FIR no.440/2020 registered under Section 308/354(B)/506/34 IPC in CRL.M.C. 6168/2023 both dated 05.09.2020 at PS Dwarka North are quashed.

- 11.However, in order to ensure that petitioners are motivated to do social work, the petitioners in CRL.M.C. 6107/2023 are directed to plant at least 200 indigenous trees. The petitioner states that he is a teacher in Smt. Mishri Devi Public School, Shyam Vihar, Phase I. the petitioner is directed to plant at least 200 indigenous trees in the school and to take care of such plants for the next five years. The principal of the school shall file an annual compliance report with the learned Registrar General of this Court in the months of January and December.
- 12.In CRL.M.C. 6168/2023, the petitioners no.1 and 2 are businessmen and therefore are directed to deposit a sum of Rs.20,000/- each with the Delhi High Court Advocates Welfare fund. Petitioner 3, who is a law graduate shall render legal aid with the Delhi High Court Legal Services Committee for a period of two months. Petitioner no.3 is directed to approach the Secretary, Delhi High Court Legal Services Committee.
- 13.The learned Secretary, Delhi High Court Legal Services Committee shall file the compliance report by 31.12.2023.
- 14.With the above directions, the petitions stand disposed of.

DINESH KUMAR SHARMA, J

CRL.M.C. 6107/2023 & CRL.M.C. 6168/2023

Page 6 of 7



AUGUST 29, 2023

rb

CRL.M.C. 6107/2023 & CRL.M.C. 6168/2023

Page 7 of 7