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

+ **CRL.M.C. 6183/2023**

ANZARA ALIES BHOLA & ANR. Petitioners

Through: **Mr. Rajeev Partap Singh, Mr. Jai Bhaavan, Mr. Sourabh Bhan, Advs.**

versus

THE STATE OF GNCT OF DELHI & ANR. Respondents

Through: **Mr. Digam Singh Dagar, APP for the State with SI Sawni Singh, PS Wazirabad.**

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Date of Decision: 28th August, 2023

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

J U D G M E N T

DINESH KUMAR SHARMA, J. (Oral)

1. Present petition has been filed under Section 482 Cr.P.C. for quashing FIR No. 701/2023 dated 09.07.2023 registered under sections 452/323/427/379/506/34 IPC at PS Wazirabad. The said FIR was lodged on the statement of the respondent No. 2 namely Shahnawaz.
2. Briefly the allegations as per the FIR are that on 07.07.2023 when the

CRL.M.C. 6183/2023

Page 1 of 5



complainant was at his shop i.e., Vishal Dairy at around 8:00PM the petitioners/accused persons came to his shop, hurled abuses and started hitting the complainant. It was alleged that when the complainant enquired as to why they were hitting him they did not say anything and dragged him out of his shop on the street and gave him more beatings. It was alleged that the petitioners also threw his mobile phone and broke it. It was further alleged that when the passersby tried to intervene and stop the accused persons, they threatened them as well. Respondent No.2 was eventually saved by the people gathered around and taken to the hospital. It was alleged that because of the beatings, the respondent No. 2 fell unconscious. It was also alleged that when the respondent No. 2 gained consciousness in the hospital he realised that the gold chain he was wearing was also missing. Basis the said allegations, the present FIR came to be registered against the petitioners. It has been submitted that the Chargesheet in the present matter has yet not been filed.

3. Learned counsel for the petitioners submit that during the investigation, with the help of family and friends the parties reached on an amicable settlement vide Compromise Deed dated 16.08.2023 on the following terms and conditions:

“1. That both the parties have amicably resolved/sorted out all their disputes, misunderstanding, differences and claims against each other, as a result of which the first party is no longer interested in pursuing the aforesaid FIRNo.701/2023, dated 09.07.2023 U/s452/323/427/379/506/34 IPC against the



parties of second party.

2. That, it is mutually agreed and settled between the parties that, the parties of second party shall file appropriate petition before the Hon'ble High Court of Delhi for quashing of the aforesaid case FIR No.701/2023, dated 09.07.2023 U/s 452/323/427/379/506/34 IPC of P.S. Wazirabad, Delhi and party to the first part shall file his affidavit and shall also make necessary statements regarding his no-objection to the quashing of the aforesaid FIR and shall fully cooperate the second party in all respects in getting the aforesaid FIR quashed from the Hon'ble High Court of Delhi.

3. That it is mutually agreed and settled between both the parties that, they shall live peacefully and shall maintain harmony with each other in future and shall not raise any demand or claim or compensation etc. against each other in respect of the above said case/FIR.

4. That, both the parties further agree and undertake to not to initiate or institute any case, complaint, application, claim petition etc., whatsoever against each other and shall not abuse, threaten each other in future.

That, both the parties have resolved their all disputes, differences and misunderstanding and entered into this compromise voluntarily in their full senses, without any force, pressure, coercion, threat or undue influence whatsoever from any corner.”



4. Learned counsel submits that the present dispute arose due to misunderstandings between the parties which eventually led to an altercation between them. Learned counsel submits that in terms of the above settlement the parties have amicably resolved all their disputes and differences and no longer wish to pursue the present complaint. It has been submitted that the parties are neighbours living in the same vicinity and are well known to each other. Learned counsel submits that in order to maintain peace and harmony in the society the parties want to put a quietus to the present complaint. It has been submitted that since the parties have settled and no longer have any grievance against each other, it would be futile to keep the present complaint pending.
5. Parties are present in person and have been duly identified by the IO. Respondent No. 2 states that the present dispute arose due to misunderstandings between the parties but he has graciously forgiven the accused persons. He states that he has amicably settled the dispute with the petitioner and no longer wishes to pursue the present complaint. He states that he has no grievance against the petitioners. The parties state that they are neighbours to each other and resolve to live peacefully in the future. Respondent No. 2 states that he has no objection if the present FIR and all other proceedings emanating therefrom are quashed. An affidavit of No Objection on behalf of the respondent No. 2 has also been filed along with the present petition. Respondent No. 2 states that he has entered into the settlement voluntarily, without any fear, force, undue influence or coercion. The



petitioners/accused persons have also tendered their unconditional apology to the complainant. They state that such an act will not be repeated in future.

6. In light of the above submissions made by the parties, in my considerable view no purpose would be served in continuing with the present complaint as the parties have voluntarily settled the dispute and the complainant no longer wishes to pursue the present complaint any further. In such a circumstance the chances of conviction would also be bleak. This Court under section 482 CrPC has the inherent power to quash any criminal proceedings either to secure the ends of justice or to prevent the abuse of the process of the courts. In the present case, the parties are neighbours to each other and admittedly the dispute arose due to misunderstandings which have now been voluntarily settled. I do not see any reason to reject the settlement. In the interest of justice it would be better to put a quietus to the dispute.
7. Taking into account the totality of facts and circumstances, FIR No. 701/2023 dated 09.07.2023 registered under sections 452/323/427/379/506/34 IPC at PS Wazirabad and all other proceedings emanating therefrom are quashed.
8. Accordingly, the present petitions stand disposed of.

DINESH KUMAR SHARMA, J

AUGUST 28, 2023

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CRL.M.C. 6183/2023

Page 5 of 5