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

+ **CRL.M.C. 4486/2022**

BIRMAJI & ORS.

..... Petitioners

Through: **Mr. Gautam Khazanchi, Mr. Vinayak Chawla, Advs.**

versus

STATE OF NCT OF DELHI & ORS.

..... Respondents

Through: **Mr. Amit Sahni, APP for the State with SI Vikas Fageria, PS Tilak Nagar.**

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Date of Decision: 28.08.2023

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

J U D G M E N T

DINESH KUMAR SHARMA, J. (Oral)

1. The present petition has been filed under Section 482 Cr.PC for quashing of FIR No. 1589/2014 under Sections 341/323/324/34 IPC registered at Police Station Tilak Nagar and proceedings emanating

CRL.M.C. 4486/2022

Page 1 of 4



therefrom.

2. Briefly stated facts of the case are that the Petitioners No 1, 2 and 3 are brothers residing in Shyam Nagar in Tilak Nagar. Similarly, Respondents Nos. 2 and 3 are brothers and are also neighbors to the Petitioners. On 19.12.2014, FIR bearing No. 1589/2014 was registered by R2 at PS Tilak Nagar u/s 341, 323, 324 and 34 of the IPC. It was alleged by the Complainant/R2 that at around 10:00 am, Petitioner No. 1 asked the Respondent No. 2 to move his vehicle that was parked outside the Petitioners' Jhuggi. Petitioner No.1 told him to wait for his boy who has the keys. In the meantime, Petitioner No. 1's younger brothers i.e Petitioner No. 2 and Petitioner No. 3 also came and started quarrelling with the respondent. The Petitioners then caught hold of the Complainant and Petitioner No. 3 attacked the complainant with a knife. Petitioner No. 2 also beat the brother of the Complainant. After investigation, charge sheet was filed against the Petitioners u/s 341,325, 326 and 34 of IPC before the Ld. MM, Tis Hazari Court. On 01.06.2022, the disputes and claims were amicably settled and Settlement Agreement was entered into by the parties. In view of the settlement agreement, the Petitioners filed a petition before the Hon'ble High Court of Delhi u/s 482 of CrPC seeking quashing of the FIR bearing No. 1588/2014 as well as the Criminal Case No. 68476/2016 pending before the Tis Hazari Court. The Hon'ble Court pointed out that the Settlement Agreement did not contain reference to quashing of the Criminal Case No. 68476/2016.
3. Accordingly, the Petitioners and Respondent Nos. 2 & 3 entered into a fresh Settlement Agreement expressly providing for quashing of the FIR as well as the Criminal case and all consequent proceedings emanating



therefrom dated 29.08.2022 on following terms and conditions:

WHEREAS the second parties is the accused in the FIR No. 1589/2014 dated 29.12.2014, U/s 341/323/324/34 IPC, registered with P.S. Tilak Nagar, Delhi.

AND WEHREAS the second parties has expressed regret and the first parties has condoned, thereby none of the parties have got any grudge against each other and the first parties and second parties have amicably settled the matter. It is further stated that both the parties with their fair consent have settled the matter with each other amicably and voluntarily without any force, pressure, coercion or influence from any corner whatsoever. The first parties with his free will and accord has decided to drop, withdraw and settle all the legal proceedings resulting registration of the present FIR.

AND WHEREAS with the intervention of the respectable person of the society, the grievances, dispute and claims have been amicably settled and compromised between the parties and no party is left with any grudges against each other in the present case.

AND WHEREAS the first parties shall not interfere in the peaceful life of the second parties and accordingly the second parties will file the quashing petition before the Hon'ble High Court of Delhi. FIR No. 1589/2014 dated 29.12.2014, U/s 341/323/324/34 IPC, registered with P.S. Tilak Nagar, Delhi. The first party is agreed to cooperate in the quashing petition.

AND WHEREAS this Settlement /Compromise deed has been signed without any force, pressure, threats, coercion and with their free consents, in full senses and in disposing state of mind in the present case.



4. The parties are present and have been duly identified by the IO. Further, the IO states that except the present FIR there is no other case against the petitioners.
5. 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 exercise power under section 482 CrPC for quashing the proceedings or the complaint or the FIR as the case may be.
6. I consider that there would be no purpose of continuing with the proceedings and do not see any reason to reject the settlement.
7. Taking into the account the totality of facts and circumstances the present FIR No. 1589/2014 under Sections 341/323/324/34 IPC registered at Police Station Tilak Nagar, and all the other proceedings emanating therefrom are quashed.
8. The present petition stand disposed of.

DINESH KUMAR SHARMA, J

AUGUST 28, 2023

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