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

+ **CRL.M.C. 4529/2022**

VIPIN CHAURASIA & ANR.

..... Petitioners

Through: Mr.Saurav Joon, Adv. with petitioners
in person.

versus

STATE OF NCT & ANR.

..... Respondents

Through: Mr.Amit Sahni, APP for the State.
SI Mohit, PS Swaroop Nagar

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Date of Decision: 04.09.2023

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 of the Code of Criminal Procedure, 1973 (Cr.P.C) for quashing of FIR No. 220/2017 registered under Sections 452/380/323/34 of the Indian Penal Code, 1860 (IPC) PS Swaroop Nagar, Delhi and all the consequential proceedings arising therefrom.
2. In terms of the order dated 28.08.2023, the IO has filed the status report, which reads as under:

CRL.M.C. 4529/2022

Page 1 of 4



“It is submitted that above mentioned case was registered on the statement Sh. Gopal Jha s/o Udit Narayan Jha /o Kh. No-754/755, Kushak Road No-2, Lal Boundari, Swaroop Nagar, Delhi. During course of investigation, accused Vipin Chaurasia and Ravi Chaurasia were arrested and after completing the investigation, the chargesheet was filed. Now, both the parties have entered into the settlement. The applicant handed over a Demand Draft of amount Rs. 40,000/-issued from Axis Bank, Sanjay Gandhi Transport Nagar Branch, Delhi to the complainant Gopal Jha. Copy of Demand Draft and Adhar Card of complainant is attached herewith which have attested thumb impression of complainant.”

3. Briefly stated, the present FIR was lodged on the complaint of the complainant/respondent No.2 alleging therein that on 26.07.2017, an accident took place at Kushak Roop, Swaroop Nagar, Delhi where respondent No.2 was a viewer/helper to the Victim. Suddenly, a heated argument took place among the gathered person, and respondent no.2 ignored and went back home. Thereafter, on 27.07.2017 when the respondent was at his residence 3-4 persons trespassed at his house and gave him beatings and stole Rs. 1,00,000 and 1.25gm of gold. Due to some injuries, respondent No. 2 could identify the alleged two persons. Subsequently, the present FIR was lodged.
4. The charge-sheet in this matter has been filed under sections 452/380/323/34 IPC.
5. However, it has specifically been stated that on the initiative of respondent no. 2 and the petitioner herein, the parties decided not to proceed further with the case on its merits and the petitioner had offered to pay a total sum of Rupees 90,000/ to the Respondent No. 2, as full and



final settlement of the subject case/ FIR. This offer was accepted by the Respondent No.2, and payment of the complete settlement amount was made to him.

6. The Complainant/Respondent No.2 has appeared through VC and has stated that he has entered into the settlement voluntarily without any fear, undue influence or coercion.
7. IO has duly identified the parties.
8. This was a private dispute wherein the parties have reached at an amicable settlement out of their own free will and do not wish to pursue the case further.
9. It has repeatedly been held by the Courts that if the dispute is private in nature and parties have entered into the settlement at their own free will, the quashing of the proceedings may be done. However, the Courts have to satisfy themselves that the settlement so entered into is within the four corners of the law.
10. I consider that there would be no purpose of continuing with the trial.
11. In view of the above facts and circumstances the case quashing of FIR No. 220/2017 dated 27.07.2017 registered under Sections 452/380/323/34 of the Indian Penal Code, 1860 (IPC) at PS Swaroop Nagar, Delhi and all the consequential proceedings arising therefrom is quashed.
12. The present petition stands disposed of

DINESH KUMAR SHARMA, J

CRL.M.C. 4529/2022

Page 3 of 4



SEPTEMBER 4, 2023

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CRL.M.C. 4529/2022

Page 4 of 4