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

+ **CRL.M.C. 4911/2022**

AYUSH CHAUDHARY & ANR. Petitioners

Through: Mr. H. N. Pandey and Mr. Pushkar
Walia, Advs.

versus

STATE (NCT OF DELHI) & ANR. Respondents

Through: Mr. Raghuvinder Verma, APP for the
State with Inspector Sanjeev Kumar,
PS C. R. Park.

Mr. Yashasvika Sharma and Mr.
Akshit Dua, Advs. for R-2 along with
R-2.

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Date of Decision: 09.02.2023

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. seeking quashing of FIR No. 133/2022 registered u/s 323/325/34 IPC at PS CR Park, Delhi. The said FIR dated 10.04.2022 was lodged at the instance of the respondent No.2/complainant.
2. The allegations as per the FIR is that around two months prior to the registration of the present FIR, the accused persons namely Ayush Chaudhary and Vaibhav Ayer, whom the complainant knew through a common friend named Tathagat, gave the complainant a call and told him as to why he met one girl named Ms. X. The complainant stated that he doesn't have any contact with her but they did not believe him

and continuously threatened him so the complainant blocked their phone numbers. Thereafter, on 10.04.2022 the complainant got a call from Tathagat stating that accused persons Ayush and Vaibhav want to meet him and sort out the matter and that he should come to I block, CR Park. When the complainant got there, Tathagat was already there with 3-4 men and Ayush and Vaibhav reached the spot in their car. The accused who were in an inebriated state started threatening the complainant as to why he was meeting Ms. X. The complainant told them that he was not meeting the girl but they did not agree and hit him on his face. When the complainant tried to save his face, the accused persons held him by his hair and started hitting his face with their fist. The nasal bone of the complainant got fractured and started bleeding and he felt giddy, which is when, accused Ayush took off his belt and started hitting him on his head with the belt. His head started bleeding and he sustained several injuries on the head. Tathagat tried to save the complainant but the accused persons kept beating him mercilessly. Thereafter the complainant felt giddy and fell down and the accused fled. Later the complainant was taken to Max Hospital where he was treated. The complainant sustained a nasal bone fracture and got several stitches on his head.

3. Learned counsel for the petitioner submits that the FIR got registered due to some misunderstanding between the parties. He submits that however, on 26.04.2022, due to the intervention of common friends and well-wishers, the parties have arrived at a compromise. Learned counsel submits that the parents of the petitioner/accused have apologised to the parents of the complainant as well as the complaint

vide a hand written letter dated 26.04.2022. Learned counsel for the petitioner submits that this apology letter dated 26.04.2022 is the compromise deed. The same has been annexed as Annexure B to the present petition.

4. Learned APP for the state submits that the chargesheet has been filed. He opposes the quashing and submits that the complainant sustained injuries of a grievous nature.
5. Arguments heard.
6. Perusal of the record reflects that there is no proper settlement/ compromise deed on the record, basis which the parties are stated to have settled their dispute. The contention of the learned counsel for the petitioner that the apology letter dated 26.04.2022 is the compromise deed is rejected and only goes to show the lax and casual attitude with which this petition has been filed. The letter dated 26.04.2022 is a one page hand written apology note written by the parents of the petitioner/accused to the parents of the complainant and is reproduced hereunder:

“Date 26.04.2022

To,

Mr. & Mrs. Mazumdar,

SUB: APOLOGY AND CONSENT.

We the parents of Ayush Chaudhary and Vaibhav Iyer promise and assume that they won't be seen in CR Park and would not have kind of connection with Vedankshu Mazumdar.

We are sorry for the misadventure happened between the kids in Cr Park, I Block park.

We sincerely apologise for the grievance and injuries caused to Vedankshu Mazumdar by our kids as mentioned above on 10th April 2022.

Sd

(Shekar and Mahua Chaudhary)

Sd

(Suresh Iyer & Sindhu Iyer)”

7. The above letter in no way states that the parties have mutually settled the matter. It's a mere apology letter, that too written by the parents of the accused. It does not anywhere mention that the complainant does not want to pursue the present complaint or wants to get the same quashed.
8. Parties are present in person. I have interacted with the complainant. The complainant still has trauma from the incident. The injuries sustained by him were also stated to be of a serious nature and he is still recovering from the same mentally and physically. In the absence of any proper settlement and considering the facts and circumstances of the present case, no ground for quashing of the present FIR has been made out.
9. Section 482 of the Code, saves the inherent power of the High Court which it has by virtue of it being a superior court to prevent abuse of the process of any court or to secure the ends of justice. In forming an

opinion whether a criminal proceeding or complaint should be quashed in exercise of its jurisdiction under Section 482, the Court must evaluate whether the ends of justice would justify the exercise of the inherent power. While the inherent power of the High Court has a wide ambit and plenitude however this power has to be exercised sparingly, with great caution and circumspection. The decision as to whether a criminal proceeding or FIR should be quashed on the ground that the offender and victim have settled the dispute, revolves ultimately on the facts and circumstances of each case. The Courts must give due regard to the nature and gravity of offence. However no straightjacket formula or exhaustive elaboration of principles can be formulated regulating the exercise of inherent powers under Section 482. No precise and inflexible guidelines can also be provided. In different situations, the inherent power may be exercised in different ways to achieve its ultimate objective which is to (i) to secure the ends of justice, or (ii) to prevent an abuse of the process of any court. The main aim is to do real, complete and substantial justice.

10. Taking into account the totality of facts and circumstances of the case and given that no proper settlement has been arrived at between the parties and that the complainant still has trauma from the incident. This court is of the opinion that no ground for quashing of the present FIR is made out. Hence, the present petition stands dismissed.

DINESH KUMAR SHARMA, J

FEBRUARY 9, 2023

Pallavi..

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