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

+ **CRL.M.C. 5349/2022**

AMARDEEP & ORS.

..... Petitioners

Through: **Ms. Jyoti Yadvav, Adv. (VC)**

versus

STATE GOVERNMENT OF NCT OF DELHI & ORS.. Respondents

Through: **Mr. Digam Singh Dagar, APP for the
State with SI Pramod Kumar, PS
Sagarpur.**

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Date of Decision: 11th May, 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 seeking quashing of case FIR No. 305/2019 registered under Sections 308/34, IPC at PS Sagar Pur. The said FIR was lodged on the statement of the respondent No.2/complainant namely Vishal Kumar Singh alleging therein that a quarrel took place with the petitioners over the issue of parking. Allegedly, the petitioners hit the complainant on his head with a stick



and as a consequence he sustained some injuries. Chargesheet has been filed.

2. It has been submitted that the parties have now amicably settled all their disputes vide settlement deed dated 09.09.2022 on the following terms and conditions:

“1. That the first party shall file the quashing petition before the hon'ble high court for quashing the above said FIR No. 305/2019 registered at PS Sagarpur, New Delhi and the second party will cooperate in the said quashing petition as well as in the said quashing proceeding before the Hon'ble high court. The quashing petition will be filed within three days from signing this MOS.

2. That parties shall withdraw case/complaint, if any, filed against each other within the seven days of the quashing/closing of above noted case and further parties will not file any case/complaint against each other or their family member in future.

3. That this MOS has been written with the free sweet will of the parties and without any force, coercion or threat from any corner whatsoever.

4. That this MOS has been read over to the parties in vernaculars. After understanding it, both admit the same is correct and undertake that both the parties are bound by this MOS.”

3. Learned counsel for the petitioner submits that the petitioners and the respondents are neighbours and the incident had taken place on account of some misunderstanding over parking. It has been submitted in terms of the above settlement the parties have reached on



an unconditional compromise. Learned counsel for the petitioner further submits that both the parties have undertaken to maintain peaceful and cordial relations between them.

4. The parties are present in person and have been duly identified by the IO. The complainant states that the parties are neighbours and the incident took place over some parking issue which now stands amicably resolved. The complainant states he no longer wishes to pursue the present FIR and wants to put a quietus to the same. The complainant states that he has settled the matter voluntarily without any fear, force or coercion and has no objection if the present FIR and subsequent proceedings emanating therefrom are quashed. IO states that there is no other involvement of the accused persons. An affidavit of no objection on behalf of the respondents have also been placed on record.
5. I have considered the submissions. The present FIR is of the year 2019. The parties herein are neighbours. It has been stated that the dispute arose due to some misunderstandings which now stand amicably resolved vide settlement deed dated 09.09.2022. In terms of the amicable settlement, the complainant no longer wishes to pursue the present complaint.
6. It is pertinent to note that this Court while exercising its inherent power under section 482 Cr.P.C. must examine as to whether the possibility of conviction is remote and bleak and whether continuation of criminal proceedings would put the accused to great oppression and



prejudice. Section 482 Cr.P.C. preserves the inherent powers of the High Court to prevent an abuse of the process of any court or to secure the ends of justice. Thus, while adjudicating whether a FIR or criminal proceeding is liable to be quashed, the High Courts must weigh if the ends of justice would be served and justify the exercise of such inherent power. In the present case, the parties are neighbours and have amicably resolved all their disputes. The complainant no longer wishes to pursue the present complaint and seeks quashing of the same. Even if trial is allowed to continue, there is a bleak/remote chance of conviction, given that the parties have resolved their dispute and do not want to pursue the present complaint. Moreover, in terms of the order dated 18.04.2023 the cost of Rs. 50,000/- imposed vide order dated 12.01.2023 already stands deposited.

7. Taking into consideration the totality of facts and circumstances of the case and in view of the statement made by the complainant, case FIR No. 305/2019 registered under Sections 308/34, IPC at PS Sagar Pur and all the proceedings emanating therefrom are quashed.
8. The present petition stands disposed of.

DINESH KUMAR SHARMA, J

MAY 11, 2023

Pallavi