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

+ **CRL.M.C. 5713/2022**

MOHD JAVED AND ANR

..... Petitioners

Through: **Mr. Sachin Aggarwal, Adv.**

versus

THE STATE (GOVT OF NCT OF DELHI) AND ANR. Respondents

Through: **Mr. Hemant Mehla, APP for the State
with SI Sachin, PS Seema puri.**

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Date of Decision: 2nd May, 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 seeking quashing of case FIR No. 673/2014 dated 12.05.2014 registered under sections 308/34 IPC at PS Seemapuri, North-East Delhi. The said FIR was lodged on the complaint of respondent No.2/ complainant namely Pappan.
2. As per the FIR it has been alleged that on 11.05.2014 at around 10:00 PM, when the respondent No.2 along with his friend were returning from a nearby tea shop and going back home, the petitioners/ accused persons namely Yusuf, Javed and a few others hurled abuses at him

and attacked him. It has been alleged that the respondent No.2 along with his friend were talking and laughing which is when the petitioners/ accused persons intervened and hurled abuses at them. When the respondent No.2 asked them as to why they were abusing, an altercation took place and the petitioners/accused persons started hitting them. It has been alleged that accused Yusuf picked up a brick and hit the respondent No.2 on the head, further accused Javed also hit the respondent No.2 with something sharp on his head. Thereafter, the police were called, and the respondent No.2 was taken to the hospital.

3. Ld. Counsel submits that the petitioner and the respondent No.2 are neighbours and the present FIR stemmed from a misunderstanding that led to a minor altercation between the parties. Ld. Counsel submits that with the help of well-wishers and family members, the parties amicably settled all their disputes vide Compromise Deed dated 20.05.2014. Subsequently, the parties approached this Court by way of Crl. MC 3192/2015 seeking quashing of the present FIR, on the basis of the compromise deed dated 20.05.2014, whereby this Court vide order dated 07.08.2015 held as under:

“Crl.M.A.11365/2015 (for condonation of delay)

There is delay of 68 days' in re-filing the accompanying petition.

For the reasons stated in the application, it is allowed and the delay is condoned.

The application is accordingly disposed of.

CRL.M.C. 3192/2015

Quashing of FIR No.673/2014, under Sections 308/34 of the IPC, registered at police station Seema Puri, Delhi is sought in this petition on the basis of Settlement/Compromise Deed of 25th July, 2015 and affidavit of respondent No.2.

Notice.

Mr. P.L. Sharma, learned Additional Public Prosecutor, accepts notice on behalf of respondent-State and submits that investigation in this case is in progress and while taking into consideration the aforesaid Settlement/Compromise Deed and affidavit of respondent No.2, his supplementary statement would be recorded and thereafter, final report would be filed within eight weeks.

Let it be so done.

In view of above, this petition is disposed of with liberty to the petitioners to avail of the remedies, as available in the law, if need be.”

4. Ld. Counsel submits that subsequently, chargesheet is stated to have been filed and the matter is pending adjudication before the Ld. MM Karkardooma Courts, Delhi. Ld. Counsel submits that cognizance on the chargesheet has been taken and the petitioners have been summoned as an accused. Ld. Counsel submits that the parties are neighbours to each other, and the FIR arose due to misunderstandings. Ld. Counsel submits that the matter has been amicably settled vide settlement deed dated 20.05.2014 on the following terms and conditions:

“Whereas with the intervention of well wishers, friends and relatives, the parties hereto have compromised/settled with

each other and now there is no dispute between the parties. The complainant/first party has settled all her disputes with the accused persons/second party.

Whereas the parties hereto have reached to compromise/settlement voluntarily, without any kind of pressure and influence in any manner whatsoever.

Whereas due to effecting the compromise between the parties, the complainant/first party does not want to pursue the case any more in future as all the disputes have been amicably finally settled.”

5. It has been submitted that in terms of the above settlement, the parties no longer wish to pursue the present complaint. The parties are present in person and have been duly identified by the IO. Respondent No.2 states that the petitioners is his neighbour and both are residing in the same vicinity. He states that he has no grievance remaining against the petitioners and no longer wishes to pursue the present FIR. Respondent No.2 states that now he wants to move on with his life. He states that he has entered into the settlement voluntarily out of his own free will, without any fear, force or coercion. He states that he has no objection if the present FIR and all criminal proceedings emanating therefrom are quashed. An affidavit of no objection has also been filed along with the present petition.
6. Learned Addl. P.P. for the State submits that in the present matter the injuries sustained were simple in nature. Ld. APP submits that as per

the Investigating Officer, there is no other dispute between the parties. It has been further submitted that the petitioners do not have any past criminal antecedents.

7. I have considered the submissions. The incident is of 2014. The parties are neighbours to each other. As per the respondent No.2 the FIR arose due to misunderstandings which led to an altercation between the parties. As per the MLC filed along with the status report the injuries sustained by the respondent No. 2 were simple in nature. The matter has been settled between the parties vide Compromise deed dated 20.05.2014. The parties have entered into the settlement out of their own free will and without any force, fear or coercion. Respondent No. 2 no longer wishes to pursue the present complaint and wants to move on with his life. He has no objection if the present FIR and the subsequent proceedings emanating therefrom are quashed. An affidavit of no objection has also been filed along with the present petition. In such circumstances, the chances of conviction would also be bleak and remote, given that the parties do not wish to pursue the present complaint on account of the settlement. I consider that continuance of FIR No. 673/2014 would serve no useful purpose and may cause prejudice to the petitioner and be an exercise in futility. I do not see any reason to reject the settlement arrived at between the parties, voluntary out of their free will.
8. Considering the totality of facts and circumstances of the case and in view of the submissions of the respondent No.2 namely Pappan, the case FIR No. 673/2014 dated 12.05.2014 registered under sections

308/34 IPC at PS Seemapuri, North-East Delhi and all proceedings emanating therefrom are quashed.

9. Accordingly, the present petition stands disposed of.

DINESH KUMAR SHARMA, J

MAY 2, 2023

Pallavi

