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

+ **CRL.M.C. 6002/2022**

JASWANT ALIAS JASWANT RATHORE & ANR.

..... Petitioner

Through: Mr.Saurav Jha, Adv. for petitioners
with petitioners in person.

versus

GOVT. OF NCT OF DELHI & ANR.

..... Respondents

Through: Mr.Hemant Mehla, APP for the state
with Mr.Dipanshu Meena, Advocate
SI Ajit Kumar, PS Timar pur
Mr.Adhir Jha and Ms.Suman Kumar
Jha, Advts. for R-2.

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Date of Decision: 13.09.2023

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. 261 dated 19.04.2015 registered under Sections 308/506/34 IPC at PS Timar Pur. The said FIR was lodged at the instance of respondent No. 2 namely Pawan because of a matrimonial discord between his sister and the petitioner No.1.



2. Briefly alleged the facts as per the FIR are that the respondent No.2/complainant is an E-rickshaw driver and has two sisters namely Sharda and Sunita. Both the sisters got married to real brothers. It was alleged that after their marriage, both his sisters were harassed by their respective husbands. It was alleged that owing to this behaviour, around 10 days before the incident, a complaint was lodged by his elder sister at PS Moi Nagar after which she returned back to her parental home. It was further alleged that on 19.04.2015 at around 7:15/7:30 AM, when the respondent No. 2 was waiting for passengers in his E-rickshaw at Balak Ram Bus stand, his younger brother-in-law, who is the petitioner No.1 herein and husband of his sister Sunita, reached the spot along with his cousin Naresh i.e., petitioner No. 2 and started attacking the respondent No. 2 with an iron rod on his head and legs. It was alleged that due to this physical assault the respondent No. 2 sustained injuries on his head and legs. Thereafter, the petitioners fled in their motorcycle. Subsequently, the respondent No. 2 called 100 and was taken to the hospital for treatment, whereby, as per the MLC the Doctor opined the nature of injuries as blunt and fresh.
3. Chargesheet is stated to have been filed and charges have been framed under sections 308/506(II)/34 IPC. However, while the proceedings were underway, the parties, with the intervention of friends and family amicably settled all their disputes vide Settlement Agreement dated 11.11.2022 on the following terms and conditions:



- “(i) *It has been agreed between both parties that the first party is convinced that his sister is having no matrimonial dispute with the second party and his relatives/family members. She is residing peacefully with the second party Sh. Jaswant @ Jaswant Rathore and the second party Jaswant @ Jaswant Rathore is also not having ill will towards the first party.*
- (ii) *All the parties are close relatives and are having no dispute left and they have started interacting with each-other as they were living prior to the registration of FIR.*
- (iii) *It has been agreed between both parties that first party shall co-operate in getting FIR No.261/2015 dated 19.04.2015, U/S 308/506/34 IPC, P.S. Timarpur, Delhi quashed and shall make necessary statements before the Hon'ble High Court of Delhi or before any other lawful authority for above purpose (if required).*
- (iv) *It has been agreed between the parties that they shall not file any case/complaint against each-other after execution of the settlement, affidavit and statement before the Hon'ble High Court of Delhi.*
- (v) *It has been agreed between the parties that they shall do their required commitment/ promise to bring a complete end of misunderstanding between two families.*
- (vi) *It has been agreed between the parties that they shall remain bound by their respective commitment/promises and undertake to do every act to bring peace between them. Both the parties agree and understand the terms of settlement entered between them as stated above.*
- (vii) *That both the parties i.e. first party and second party have undertaken that they would withdraw allegations against each- other from their heart and mind.*
- (viii) *The agreement/settlement/undertaking has been executed between both the parties out of their free will & consent, without any pressure, threat, coercion or compulsion from either side and out of their sound and disposing mind in their full senses. Both the parties agree and understand the*



terms of settlement recorded between them and shall be binding on both the parties.”

4. Learned counsel submits that pursuant to the above settlement, the parties no longer have any grievances or ill-will towards each other and have been residing peacefully without any problems. It has been submitted that the dispute in the instance case stemmed from a matrimonial discord between the sister of the complainant and the petitioner, which led to misunderstandings and a physical altercation between the petitioners and the complainant. However now the sister is stated to have been residing happily with her husband since 2015 without any complaints.
5. The parties are present in person and have been duly identified by the IO. Respondent No. 2/complainant states that he has entered into the settlement dated 11.11.2022 at his own free will, without any undue force, fear or pressure. He states that the injuries sustained by him were simple in nature. He further states that his sister is now peacefully residing with the petitioner No. 1. He states he has no remaining grievance qua the petitioners and has no objection if the present FIR and proceedings emanating therefrom are quashed. He states that on account of the amicable settlement he no longer wishes to pursue the present complaint and seeks to put a quietus to the same. An affidavit of No Objection on his behalf has also been filed along with the petition. The IO submits that there are no other complaints pending qua the petitioners.



6. Submissions considered.
7. It has been held in a catena of judgements of the Hon'ble Supreme Court as well as this Court that the High Court has the inherent power to quash criminal proceedings even in those cases which are not compoundable. However, such power is to be used sparingly with caution and circumspection. It is imperative that while exercising such inherent power, the High Court 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 the abuse of the process of the 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 evaluate and weigh if the ends of justice would be served and justify the exercise of such inherent power depending on facts and attendant circumstances of each case.
8. In the present case, admittedly the dispute arose due to marital discord between the sister of the complainant and the petitioner No. 1. The discord eventually led to an altercation between the complainant and the petitioners. The injuries sustained however are stated to be simple in nature. Now the parties have voluntarily resolved all their disputes and no longer wish to continue with the present complaint. Moreover, the sister of the complainant is stated to be residing peacefully with the petitioner No. 1 since 2015. It is settled law that in a private dispute if



the parties have reached on an amicable settlement, the dispute should be put to a quietus. In the instant case, the dispute is predominantly private in nature and stems from a marital discord. The parties have resolved all their disputes amicably. 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 arrived between them. I do not see any reason to reject the settlement. In the interest of justice it would be better to put a quietus to the dispute in view of the settlement deed arrived at between the parties voluntarily without any force, fear and coercion.

9. In view of the above, case FIR No. 261 dated 19.04.2015 registered under Sections 308/506/34 IPC at PS Timar Pur and all subsequent proceedings emanating therefrom are quashed.
10. Accordingly, the petition stands disposed of.

DINESH KUMAR SHARMA, J

SEPTEMBER 13, 2023

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