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

+ **CRL.M.C. 6434/2022**

**DEV & ORS.**

**..... Petitioners**

Through: Ms.Malvika Choudhary and  
Mr.Sanchit Saini, Advocates with all  
the petitioners.

versus

**STATE (NCT OF DELHI) AND ANR.**

**..... Respondents**

Through: Mr.Hemant Mehla, APP for the state.  
ASI Ram Chander, PS Khyala  
Mr.Ujwal Ghai, Adv. for  
complainant.

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***Date of Decision: 05.01.2023***

**CORAM:**

**HON'BLE MR. JUSTICE DINESH KUMAR SHARMA**

**J U D G M E N T**

**DINESH KUMAR SHARMA, J. (Oral)**

1. In pursuance to the order dated 01.12.2022 passed by this Court, IO states that the petitioners have rendered the service 30 days for three hours per day at Sai Vridh Ashram, Sadhu Savitri Sai Seva Samiti, RZ-B-4, Nala Road, Nihal Vihar, New Delhi-41.
2. This is a petition filed under Section 482 Cr. PC seeking quashing of the FIR NO. 0580 dated 5th August, 2022 under Sections 308/34 IPC PS Khyala West, New Delhi. Learned counsel for the petitioner has submitted that the matter has been amicably settled between the parties.

The settlement agreement dated 23.09.2022 has been placed on record. Injured respondent no.2 is stated to be around 17 years of age. He has entered into settlement through his natural guardian father Mr.Aman son of Sh.Krishan Lal. It has been stated that both the parties live in the same locality and are known to each other for last many years. It has been submitted that now the parties have amicably settled all the disputes and have agreed to live as good neighbors and friends in future. The relevant paras of the settlement agreement executed between the parties read as under:

*“1. That the First Party and the Second Party have agreed and understood that the \_aforementioned FIR was a result of a trivial dispute between the parties who live in the same locality. Now, upon signing of the present Agreement, both the parties are agreeable to live peacefully and amicably without raising any claim or dispute against each other.*

*2. That both the parties agree and accept that First party has not committed any offence as alleged in the abovementioned FIR and it was purely on account of a misunderstanding and at the heat of the moment that the issue got aggravated and resulted in registration of the aforementioned FIR.*

*6. That both parties have made this compromise agreement amicably without any pressure, coercion or threat, no monetary transaction taken by both the parties in making this Agreement.”*

3. The perusal of the FIR indicates that the accused persons assaulted the complainant. As per MLC there was swelling and tenderness below right elbow with 5 CLW and swelling and tenderness right lower leg. Besides this, there was 1 cm CLW over optical area and multiple bruise upper and lower size. IO states that as per MLC, the natures of injuries were grievous. IO further states that the injured was discharged from the hospital on the same day.

4. The complainant/injured is present along with his father. The court had interacted with both of them. They state that they have entered into a settlement without any fear, force and coercion.
5. It has repeatedly been held by this court and the Hon'ble Supreme Court that if there is a trivial dispute between the parties and they have settled the matter amicably, it is desirable to put a quietus to the matter in dispute. It has also been held that merely because the FIR is registered under Section 308 IPC, it would not debar the court from quashing the FIR. The court has to look at the nature of injuries and all the attendant circumstances. Reliance can be placed on *Yashpal Chaudhrani and Others vs. State (Govt. of NCT Delhi) and Another*, 2019 SCC OnLine Del 8179; *Gian Singh v. State of Punjab*, (2012) 10 SCC 303.
6. This court considers that since the parties have entered into a settlement amicably and The petitioners have also rendered the service in pursuance to the order dated 01.12.2022 passed by this Court.
7. In view of the above observations, the FIR No. 0580 dated 5th August, 2022 under Sections 308/34 IPC PS Khyala West, New Delhi along with all the proceedings emanating therefrom is quashed.
8. The petition stands disposed of.

**DINESH KUMAR SHARMA, J**

**JANUARY 5, 2023**

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