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

+ **CRL.M.C. 6613/2022**

PARVEEN ALIAS MINTOO AND ORS. Petitioners

Through: Mr.Sunil Tiwari, Advocate with petitioners
in person.

versus

THE STATE NCT OF DELHI AND ORS. Respondents

Through: Mr.Hemant Mehla, APP for the state with
Mr.Dipanshu Meena, Advocate
Mr.Nikhil Kumar, Adv. for respondents
with respondents in person.
SI Ramvir Singh, PS Burari, Delhi.

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Date of Decision: 02.08.2023

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

J U D G M E N T

DINESH KUMAR SHARMA, J. (Oral)

CRL.M.A. 25736/2022 (exemption)

Exemption is allowed subject to all just exceptions.

Application stands disposed of.

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1. The Present petition has been filed seeking quashing of FIR no.330 dated 12.08.2013 registered under Section 323/427/452/34 IPC at PS Burari.
2. Initially, the FIR was lodged on the complaint of Mahesh Kumar under Section 323/427/452/34 IPC alleging therein that on 11.08.2013 at about 10.30 p.m. while he was at his Dhaba along with his brother Suresh, two three persons forcibly entered his Dhaba and started abusing him. When Suresh resisted to it the assailants started beating both the brothers and accused Minto assaulted the complainant with an iron rod. The nephew of Rahul who came at that time was also beaten. After the completion of investigation, the charge sheet has been filed.
3. Learned counsel for the petitioners submits that both the parties are residents of the same locality and have amicably resolved all their disputes with the help and intervention of well-wishers and common friends and family. The parties have resolved their disputes and have entered into a compromise deed dated 24.09.2022.
4. I have gone through the charge-sheet filed by the prosecution. Initially, the FIR was lodged under Section 323/427/452/34 IPC however later on as one of the persons was found to have suffered grievous injuries, the offence was converted into section 325 IPC. The charge sheet reveals that only during scrutiny, Section 308 IPC was added. However, the charge sheet is silent about the reasons for adding Section 308 IPC. Injured Rahul /petitioner no.4, who had suffered grievous



injuries is present in court and states that he had suffered injuries on his nose.

5. I consider that in these circumstances, it would be difficult to attribute the offence under Section 308 IPC. Furthermore, the parties have settled all the disputes amicably, in the interest of justice it would be better to put a quietus to the dispute. 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 do not see any reason to reject the settlement.
6. Taking into account the totality of facts and circumstances, the case FIR no.330 dated 12.08.2013 registered under Section 323/427/452/34 IPC at PS Burari along with the other proceedings emanating therefrom is quashed.
7. The petition stands disposed of.

DINESH KUMAR SHARMA, J

AUGUST 2, 2023

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