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* IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision: 03.04.2024

+ CRL.M.C. 998/2024

GOPAL SINGH

..... Petitioner

Through: Mr. C.P. Dubey, Advocate with
Petitioner-in-person.

versus

THE STATE NCT OF DELHI AND ORS. Respondents

Through: Mr. Ajay Vikram Singh, APP for State
with SI Yogesh, PS Anand Parbat.

Ms. Mona Singh, Advocate with
respondents No.2 & 3 in person.

CORAM:

HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

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J U D G M E N T

ANOOP KUMAR MENDIRATTA, J (ORAL)

1. Petition under Section 482 the Code of Criminal Procedure, 1973 ('Cr.P.C.') has been preferred on behalf of the petitioner for quashing of FIR No. 309/2015 under Sections 308/34 IPC registered at P.S.: Anand Parbat and proceedings emanating therefrom. Sections 323 & 506 IPC have been subsequently invoked.

2. In brief, as per the case of the prosecution, on 22.04.2015, SI Jagdish Singh received a PCR call vide DD Nos.67B regarding some quarrel. Upon reaching at the spot i.e. Ramlila Ground Nehru Nagar behind Sabji Mandi, no one was found. Thereafter, information was received about the treatment



of Deepak and Jagdish (respondents No.2 and 3) at Acharya Bhikshu Hospital, Moti Nagar. Complainant alleged that while he was parking his vehicle behind Nehru Nagar Subzi Mandi, Ramlila Park, he asked the accused present at spot to stand away on which the accused started abusing and slapped him. Later on accused was joined by another person. However, the complainant managed to escape from the place of incident and informed about the same to his father telephonically. When father of complainant alongwith other family members reached at the spot, the said accused alongwith two other companions attacked the complainant and his family members with stones, bricks and sticks. FIR was accordingly registered under Sections 308/323/506/34 IPC at PS Anand Parbat on 25.04.2015.

3. During the course of investigation, petitioner/accused Gopal Singh joined the proceedings, but other two accomplices could not be identified. Accordingly charge-sheet was filed against the petitioner.

4. Learned counsel for the petitioner submits that matter has been amicably settled between the petitioner and respondents No. 2 and 3 vide Settlement Deed dated 05.12.2023 since they were residing in close vicinity. It is further pointed out that the petitioner is a driver, with clean past antecedents and respondents No.2 and 3 have been compensated towards expenses incurred for their treatment.

5. Learned APP for the State submits that in view of amicable settlement between the parties, the State has no objection in case the FIR in question is quashed.

6. Petitioner as well as respondents No. 2 and 3 are present in person and have been identified by SI Yogesh, P.S.: Anand Parbat. I have interacted with the parties and they confirm that the matter has been amicably settled



between them without any threat, pressure or coercion. Respondents No. 2 and 3 also state that nothing remains to be further adjudicated upon between the parties and they have no objection in case the FIR in question is quashed.

7. Petitioner in the present case seeks to invoke the powers under Section 482 of Code of Criminal Procedure. The same is to be used to secure the ends of justice or to prevent the abuse of process of Court. In which cases, the power to quash the criminal proceedings or the complaint or FIR may be used when the offender as well as victim have settled their dispute, would depend upon the facts and circumstances of each case and no generalised list or categories can be prescribed. However, the Court is required to give due regard to the nature and gravity of the offence and consider the impact on the society.

Principles for quashing of FIR have been delineated in *Gian Singh vs. State of Punjab & Anr.*, (2012) 10 SCC 303 and *Parbatbhai Aahir @ Parbatbhai Bhimsinhbhai Karmur & Ors. vs. State of Gujarat & Anr.*, (2017) 9 SCC 641. Predicated on settlement between the parties, FIRs under similar Section have been quashed in '*Laxman Karotia & Ors. vs. The State NCT of Delhi & Ors.*', CRL.M.C. 813/2024 decided on 16.02.2024 by Co-ordinate Bench of this Court and '*Amit Kumar & Ors. vs. State & Ors.*'. CRL.M.C. 2106/2024, decided on 15.03.2024 by this Court.

8. Petitioner has clean past antecedents and has other involvement. The incident appears to have occurred over a minor issue of parking. Parties intend to put quietus to the proceedings and move forward in life. Considering the facts and circumstances, since the matter has been amicably settled between the parties, no useful purpose shall be served by keeping the case pending. Continuation of proceedings would be nothing but an abuse of



the process of Court. Consequently, FIR No. 309/2015 under Sections 308/323/506/34 IPC registered at P.S.: Anand Parbat and the proceedings emanating therefrom stand quashed.

Petition is accordingly disposed of. Pending applications, if any, also stand disposed of.

A copy of this order be forwarded to learned MM, Central District, Tis Hazari Courts, Delhi for information.

ANOOP KUMAR MENDIRATTA, J.

APRIL 03, 2024/v