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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 1294/2024, CrI. M.As. 5087-88/2004**

KUTUBUDDIN & ORS.

..... Petitioners

Through: Mr. Zahid Ali, Advocate with
petitioners in person.

versus

STATE (GOVT. OF NCT OF DELHI) & ANR. Respondents

Through: Mr. Laksh Khanna, APP for State
with SI Sandeep Kumar, P.S.
Mehrauli.

Respondent Nos. 2 and 3 in person.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

16.02.2024

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1. The present proceedings are instituted under Section 482 Cr.P.C. on behalf of the petitioners seeking quashing of FIR No. 457/2019 registered under Sections 307/506/34 IPC at P.S. Mehrauli, Delhi on the ground that the parties have amicably settled their disputes.
2. As per the allegations levelled in the FIR, on account of a scuffle relating to a minor child, the petitioners pushed the complainant's husband out of the widow of the house.
3. Mr. Khanna, learned APP for the State, on instructions, submits that the petitioners are the only accused persons and respondent No.2 is the complainant in the present case. He however submits that complainant's husband, who is the injured, has not been impleaded in the present petition.
4. At the oral request of counsel for the petitioners, complainant's husband, namely, *Maharazuddin* is impleaded as respondent No. 3. Let



amended memo of parties be filed during the course of the day.

5. Learned counsel for the petitioners submits that parties are related to each other as respondent No. 3 and petitioner No.1 are real brothers whereas remaining petitioners are also family members. It is submitted that present FIR has been registered due to misunderstanding and with the intervention of family members and friends, parties have amicably settled their disputes vide an out of court settlement in the month of December of 2019. In terms of the said settlement, complainants are now left with no claim or grievance against the petitioners. On merits, it is stated that the reading of allegations do not make out a case under Section 307 IPC and the nature of injury has been opined as simple blunt. The charge is yet to be framed.

6. The petitioners, who are present in Court, have been identified by their counsel as well as the I.O./SI Sandeep Kumar, P.S. Mehrauli. Respondent Nos. 2 and 3 are also present in Court and have been identified by the I.O.

7. In the case of Narinder Singh & Ors v. State of Punjab reported as **(2014) 6 SCC 466**, the court has noted that

“ 29.6 Offences under Section 307 IPC would fall in the category of heinous and serious offences and therefore is to be generally treated as crime against the society and not against the individual alone. However, the High Court would not rest its decision merely because there is a mention of Section 307 IPC in the FIR or the charge is framed under this provision. It would be open to the High Court to examine as to whether incorporation of Section 307 IPC is there for the sake of it or the prosecution has collected sufficient evidence, which if proved, would lead to proving the charge under Section



307 IPC. For this purpose, it would be open to the High Court to go by the nature of injury sustained, whether such injury is inflicted on the vital/delegate parts of the body, nature of weapons used etc. Medical report in respect of injuries suffered by the victim can generally be the guiding factor. On the basis of this prima facie analysis, the High Court can examine as to whether there is a strong possibility of conviction or the chances of conviction are remote and bleak. In the former case it can refuse to accept the settlement and quash the criminal proceedings whereas in the later case it would be permissible for the High Court to accept the plea compounding the offence based on complete settlement between the parties. At this stage, the Court can also be swayed by the fact that the settlement between the parties is going to result in harmony between them which may improve their future relationship.”

A reading of the chargesheet would show that the allegations are of pushing outside the window and admittedly, the injuries received by the injured are simple in nature. Even during bail proceedings, the injured and his wife-the complainant had appeared before the concerned Courts and made a statement to the effect that the injured being real brother of petitioner No.1, he did not want any action against accused persons.

The petitioners have shown remorse for their conduct and undertake not to repeat the same in future. Respondent Nos. 2 and 3 also state that they have settled the disputes with the petitioners out of their own free will, volition and without any coercion. They further state that they have no objection if the present FIR and the consequent proceedings are quashed.

8. The parties shall remain bound by the statements made in Court



today.

9. In view of the above facts and considering that no useful purpose will be served in continuance of the proceedings, it is directed that the aforesaid FIR and the consequent proceedings arising therefrom are hereby quashed, subject to payment of collective cost of Rs.25,000/- with the Delhi State Legal Services Authority within a period of eight weeks from today. The amount so deposited shall be utilized by the DSLSA for providing counselling/psychological support to POCSO victims requiring such assistance.

10. Proof evidencing receipt of deposit shall be filed with the I.O. as well as in Court, failing which Registry shall put the matter before the Court.

11. A copy of this order be communicated to the Member Secretary, DSLSA for intimation.

12. With the above directions, the petition is disposed of alongwith miscellaneous application.

MANOJ KUMAR OHRI, J

FEBRUARY 16, 2024

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