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

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Date of Decision: 22.03.2024

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**+ CRL.M.C. 1312/2024**

**ABHISHEK KUMAR GUPTA & ORS.**

**..... Petitioners**

Through: Mr. Anant Mishra, Adv. with all  
petitioners in person.

versus

**STATE OF NCT OF DELHI & ANR.**

**..... Respondents**

Through: Ms. Kiran Bairwa, APP for State with  
SI Surender Singh, PS S.B. Dairy.  
Ms. Devika Gaur, Advocate for R-2  
with R-2 in person.

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**+ CRL.M.C. 1313/2024**

**SAHIL RANA & ORS.**

**..... Petitioners**

Through: Mr. Anant Mishra, Adv. with all  
petitioners in person.

versus

**STATE OF NCT OF DELHI & ANR.**

**..... Respondents**

Through: Ms. Kiran Bairwa, APP for State with  
HC Naveen, PS S.B. Dairy.  
Ms. Devika Gaur, Advocate for R-2  
with R-2 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. CRL.M.C. 1312/2024 & 1313/2024 under Section 482 the Code of Criminal Procedure, 1973 ('Cr.P.C.') have been preferred on behalf of the petitioners for quashing of FIR No. 0787/2022 under Sections 308/34 IPC registered at P.S.: Shahbad Dairy, Delhi and FIR No. 0788/2022 under Sections 323/341/427/506/34 IPC registered at P.S.: Shahbad Dairy, Delhi and the proceedings emanating therefrom respectively.
2. In CRL.M.C. 1312/2024, as per the case of prosecution, FIR No. 0787/2022 was registered on complaint of respondent no. 2 Abhi Dabas, who alleged that on 30.09.2022, a brawl had taken place between the students of Delhi Technological University (DTU), but he was not involved in the said brawl. However, on the same date, while he was going to washroom, he was attacked by petitioners namely Abhishek Kumar Gupta, Rajveer Chaudhary, Vatan Tomar and Rounit Rakesh with iron rods.
3. In CRL.M.C. 1313/2024, as per the case of prosecution, FIR No. 0788/2022 was registered on complaint of respondent no. 2 Tushar Saharan, who similarly alleged that he was not involved in a brawl on 30.09.2022, however, on 01.10.2022, while he was going to take his motorcycle, he was attacked by petitioners namely Sahil Rana, Divyansh, Deepanshu and Shubham Rana.
4. Learned counsel for the petitioners as well as respondents submit that petitioners as well as respondents in the both the petitions are students of Delhi Technological University and the said incident occurred over some minor differences, during the holding of college festival. It is urged that injured in both the cases were discharged on the same day and the injuries sustained by them were simple in nature, though FIR No. 0787/2022 has



been registered under Section 308/34 IPC. It is further submitted that the petitioners as well as respondents are still undertaking their studies except for Shubham Rana and Abhi Dabas who have passed out.

5. The disputes have been amicably resolved between the parties vide settlement deed dated 12.01.2024.

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

7. Petitioners and Respondent No. 2 in both the petitions are present in person and have been identified by respective I.O. SI Surender Singh and HC Naveen, P.S.: Shahbad Dairy, Delhi. I have interacted with the parties and they confirm that the matter has been amicably settled between them without any threat, pressure or coercion and nothing remains to be further adjudicated upon between the parties. They have no objection in case the FIR in question is quashed.

8. Petitioners in both cases seek 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 any 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 generalized 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 Section 308/34 IPC 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.

9. Parties intend to put quietus to the proceedings and move forward in life. Considering the facts and circumstances, since the disputes have been amicably settled between the parties, who are students in the same University, no useful purpose shall be served by keeping the cases pending. Continuation of proceedings would be nothing but an abuse of the process of the Court. Consequently, FIR No. 0787/2022 under Sections 308/34 IPC and FIR No. 0788/2022 under Sections 323/341/427/506/34 IPC both registered at P.S.: Shahbad Dairy, Delhi and the proceedings emanating therefrom stand quashed.

Petitions are accordingly disposed of. Pending applications, if any, also stand disposed of.

A copy of this order be forwarded to the learned Trial Court for information.

A copy of this order be kept in connected petition.

**ANOOP KUMAR MENDIRATTA, J.**

**MARCH 22, 2024/akc**