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

+ **W.P.(CRL) 696/2023**

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.....Petitioner

Through: Mr. Shiv Charan Garg, Mr. Imran Khan, Ms. Jahanvi Garg and Mr. Raghav Garg, Advocates.

versus

THE STATE (GOVT. OF NCT OF DELHI) & ORS.

.....Respondent

Through: Mr. Rupali Bandhopadhy, ASC with Mr. Abhijeet Kumar and Mr. Sagar Mehlawat, Advocates with SI Sonu Kumar P.S. Sultan Puri.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

22.07.2024

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1. A Criminal Writ Petition for Mandamus for quashing of FIR No.220/2009 under Section 307/341/354/506 IPC registered at P.S. Sultanpuri because of the Compromise between petitioner and respondents No.2 and 3.

2. It is submitted that as per the prosecution story on 15.06.2009 at about 12 Noon the respondent was going on foot to her house, when the appellant stopped her and started to remove her engagement ring, after which he gave her fist blows on the stomach of respondent No.2 and gave a knife blow on the right cheek of respondent, after which the FIR was registered.



3. The petitioner has been convicted vide judgment dated 17.01.2012 to undergo RI for five years and a fine of Rs.3,000/- in default to undergo SI for one month under Section 307 IPC and he was further sentenced to SI for one month under Section 341 IPC and also to undergo RI for one year and pay a fine of Rs.1,000/-, in default to undergo SI for 20 days under Section 506 IPC. The Criminal Appeal No.324/2012 is pending adjudication.
4. It is submitted that the petitioner has undergone incarceration of 2 years, 10 months and 23 days besides remission earned of 7 months and 25 days. He has undergone almost 3 and half years of sentence out of the five years. The respondent No.2 is married and living separately with her husband. The parties have reconciled their differences and have entered into a Settlement and hence a prayer is made that the FIR No. 220/2009 along with consequent conviction and sentence be quashed.
5. Both the parties are present in person and have endorsed that because of some misunderstanding the petitioner had inflicted injuries. However, now they both are settled with their respective families and since the date of incident, no further untoward incident has happened.
6. In the case of Asagari Bee & Ors. Vs. State of Madhya Pradesh 2024 SCC OnLine MP 1213 in the similar facts the High Court of Madhya Pradesh referred to Ramgopal vs. The State of Madhya Pradesh, 2021 SCC OnLine SC 834, wherein four principles namely (i) nature and effect of the offence on the conscience of the society (ii) seriousness of the injury, if any (iii) voluntary nature of compromise between the accused and the victim and (iv) conduct of the accused persons prior to and after the occurrence of the purported offence and/or other relevant consideration.
7. Applying these four tests, though the petitioner had been convicted



for the offence under Section 307 IPC for seven years with fine and under Section 498-A for one year, on the basis of the compromise, the High Court of Madhya Pradesh reduced the sentence to the period to the period already undergone and also reduced the fine.

8. In the case of Ramgopal and Anr. Vs. State of Madhya Pradesh (2022) 14 SCC 531, the appellants have been convicted under Sections 294/323/326 read with Section 34 IPC and were sentenced to a maximum of three years under Section 326 read with Section 34 IPC. They were acquitted of the remaining charges. After the conviction during the appeal the parties reconciled their differences and a compromise was entered into between the parties. The Apex Court took note of the surrounding circumstances and the voluntary compromise inter-se the parties coupled with they being residents of same village living in close vicinity and that they had decided to forget and forgive any ill will and have no vengeance against each other, and quashed the FIR leading to the Criminal Appeal and all the proceedings there from, were declared annulled.

9. In view of the judgment of the Apex Court in Ramgopal and Anr (supra) and considering that the petitioner had some intent to marriage respondent No.2 who had got engaged to another person and that they are now happily settled in their respective homes, the FIR No.220/2009 under Section 307/341/354/506 IPC registered at P.S. Sultanpuri along with the emanating proceedings are hereby quashed.

NEENA BANSAL KRISHNA, J

JULY 22, 2024/va