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

+ **W.P.(CRL) 874/2024**

IRFAN KHAN & ANR. Petitioners
Through: Mr. Abhishek Singh, Adv.
(through VC)
Both the petitioners
(through VC)

versus

STATE NCT OF DELHI AND ANR. Respondents
Through: Mr. Rahul Tyagi, ASC for
the State with SI Naveen,
PS Wazirabad, Delhi.
Mr. Ayush Mittal and Mr.
Parth Dixit, Advs. for R-2
(through VC)
R-2 (through VC)

CORAM:
HON'BLE MR. JUSTICE AMIT MAHAJAN

% **ORDER**
15.03.2024

1. The present petition is filed under Article 226 and 227 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973 (**CrPC**) for quashing of FIR No. 633/2022 dated 26.07.2022, registered at Police Station Wazirabad, for offences under Sections 323/341/427/34 of the Indian Penal Code, 1860 (**IPC**). The FIR was registered on a complaint filed by Respondent No. 2.
2. It is stated that chargesheet has been filed in the present case.
3. It is submitted that the petitioners and Respondent No. 2 are neighbours and live in the same vicinity.

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4. It is averred that a ~~scuffle~~ took place between the parties while Respondent No. 2 along with his brother, was fixing water motor check wall.

5. The present petition has been filed on the ground that the matter has been amicably settled between the parties out of their own free will, without any threat, pressure, coercion or undue influence, and the same is supported by the duly sworn affidavits of the parties that are annexed with the petition.

6. The parties have joined through video conferencing and have been duly identified by the Investigating Officer.

7. The learned Additional Public Prosecutor for the State submits that the FIR ought not to be quashed on the ground of settlement.

8. The complainant / Respondent No. 2 is present in person and submits that he does not wish to pursue the proceedings arising out of the present FIR and wants to live in peace and harmony with the petitioners in future.

9. The parties undertake not to indulge in any such activity that would disturb the peace and harmony between the neighbours in future.

10. Offences under Section 323/341/427 of the IPC are compoundable in nature.

11. No useful purpose would be served by relegating the parties to the learned Trial Court for filing an application to compound the offence.

12. However, keeping in mind the fact that the charge sheet has already been filed in the case arising out of FIR No. 633/2022, and the State machinery has been put to motion, ends of justice would be served if the petitioners are put to cost.

13. In view of the above, FIR No. 633/2022 and all
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consequential proceedings arising therefrom are quashed, subject to payment of a cost of ₹10,000/- by the petitioners to be deposited with Police Welfare Fund within a period of four weeks from the day.

14. The present petition is allowed in the aforesaid terms.

AMIT MAHAJAN, J

MARCH 15, 2024

'KDK'