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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(CRL) 1060/2024**

MOSIM & ORS

..... Petitioners

Through: Mr. Bhagwan Jha and Ms. Shobhna
Aggarwal, Advocates with petitioners
in person.

versus

STATE OF NCT OF DELHI & ANR.

..... Respondents

Through: Mr. Sanjay Lao, Standing Counsel for
State with Mr. Abhinav Kumar Arya,
Advocate alongwith SI Ramphool,
P.S. Fatehpur Beri and SI Pradeep,
P.S. South Distt.
Respondent No. 2 in person.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER
24.07.2024

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1. The present proceedings are instituted under Articles 226/227 of the Constitution of India on behalf of the petitioners seeking quashing of FIR No. 552/2023 registered under Sections 307/34 IPC at Police Station Fatehpur Beri, Delhi on the ground that the parties have amicably settled their disputes.
2. As per the allegations levelled in the FIR, on account of some argument regarding a minor monetary issue, the petitioners attacked the respondent No.2 with a kitchen knife as a result of which, injuries were sustained by him.
3. Mr. Lao, learned Standing Counsel for the State, on instructions,



submits that the petitioners are the only accused and that respondent No.2 is the complainant/victim in the present case. He further states that the charge-sheet in the present case has been filed and that the petitioners are not involved in any other case.

4. Learned counsel for the petitioners submits that even on a plain reading of the FIR, no offence under Section 307 IPC has been made out, inasmuch as, there is no supportive evidence that the injuries were inflicted with any premeditation or with any intention to kill. It is stated that the present FIR was registered due to misunderstanding and with the intervention of family members and friends, parties have amicably settled their disputes vide Compromise Deed dated 28.02.2024, a copy of which has been placed on record.

5. The petitioners, who are present in Court, have been identified by their counsel as well as the I.O./SI Ramphool, P.S. Fatehpur Beri. Petitioners have shown remorse for their conduct and undertake not to repeat the same in future.

6. Respondent Nos. 2, who is the complainant/victim, is also present in Court and has been identified by the I.O. He states that he has entered into the aforementioned Compromise Deed out of his own free will, volition and without any coercion. He further states that he has no objection if the present FIR and the consequent proceedings are quashed.

7. In the case of Narinder Singh v State of Punjab, (2014) 6 SCC 466, the Apex Court has held as under :-

“26. Having said so, we would hasten to add that though it is a serious offence as the accused person(s) attempted to take the life of another person/victim, at the same time the court cannot be oblivious to hard realities that many times whenever there is a quarrel between the



parties leading to physical commotion and sustaining of injury by either or both the parties, there is a tendency to give it a slant of an offence under Section 307 IPC as well. Therefore, only because FIR/Charge-sheet incorporates the provision of Section 307 IPC would not, by itself, be a ground to reject the petition under section 482 of the Code and refuse to accept the settlement between the parties. We are, therefore, of the opinion that while taking a call as to whether compromise in such cases should be effected or not, the High Court should go by the nature of injury sustained, the portion of the bodies where the injuries were inflicted (namely whether injuries are caused at the vital/delicate parts of the body) and the nature of weapons used etc. On that basis, if it is found that there is a strong possibility of proving the charge under Section 307 IPC, once the evidence to that effect is led and injuries proved, the Court should not accept settlement between the parties. On the other hand, on the basis of prima facie assessment of the aforesaid circumstances, if the High Court forms an opinion that provisions of Section 307 IPC were unnecessary included in the charge sheet, the Court can accept the plea of compounding of the offence based on settlement between the parties.”

8. I have heard learned counsel for the parties and also gone through the police file produced in the Court including the MLC of the injured. A perusal of the same, in light of the principles stated in the above-noted case, would show that the injury is inflicted on the complainant's thigh and that the weapon used in the commission of the crime is a kitchen knife. The nature of weapon and the seat of injury are not suggestive of any element of deliberation or premeditation in the commission of the offence and it can be inferred that the same was an outcome of a sudden fit of rage on account of some monetary dispute.

The trial is yet to begin and the affidavit/NOC of the respondent No.2 has come on record wherein he has stated that he has entered into the above settlement without any coercion and has no objection to the quashing of the criminal proceedings.



9. In the aforementioned facts, this Court is of considered opinion that no useful purpose will be served in continuance of the present proceedings. Accordingly, it is directed that the aforesaid FIR and the consequent proceedings arising therefrom are hereby quashed. .

10. With the above directions, the petition is disposed of.

MANOJ KUMAR OHRI, J

JULY 24, 2024

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