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

+ **CRL.M.C. 3509/2023**

MAHESH CHAND

.....Petitioner

Through: Mr. Mobin Akhtar, Advocate

versus

THE STATE(NCT OF DELHI) AND ORSRespondents

Through: Mr. Satish Kumar APP for the State
Mr. Karan Sachdeva and Ms. Richa Sharma, Advocates for R-2 & R-3 along with respondent nos. 2 & 3 in person.

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

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17.12.2024

CRL.M.A. 24834/2024 (for exemption)

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

CRL.M.C. 3509/2023 & CRL.M.A. 24833/2024

3. The instant petition under Section 428 of the Code of Criminal Procedure, 1973 (hereinafter "CrPC") [now Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter "BNSS")] has been filed by the petitioner seeking quashing of FIR bearing No. 238/2019 registered at Police Station Prashant Vihar, Delhi for offences punishable under Sections 354/354B/323/341/509 of the Indian Penal Code, 1860 (hereinafter "IPC"), and the chargesheet filed thereof in the instant FIR.



4. Learned Counsel for the petitioner submitted that both the parties were neighbors and the respondent no. 2/complainant was renovating her house and stacked some construction materials at the entry and exit gate and stairs of the petitioner's house. The petitioner raised objections against the same, pursuant to which a scuffle broke out between them, which led to the registration of a complaint by the respondent no.2, culminating into the instant FIR.

5. It is submitted that both the parties have entered into settlement and consequently, the dispute between the parties has been resolved. The terms and conditions of the said settlement are mentioned in the Settlement Agreement dated 18th November, 2024 at Samadhan, Delhi High Court Mediation and Conciliation Center, Delhi High Court.

6. It is prayed by the learned counsel appearing on behalf of the parties that the instant FIR may be quashed on the basis of the compromise arrived at by the parties.

7. *Per contra*, Mr. Satish Kumar, learned APP for the State submitted that in case this Court is inclined to allow the instant petition and to quash the FIR in question in view of the settlement arrived at between the parties, cost may be imposed upon the petitioner as the FIR was registered in the year 2019 and a period of more than 5 years of judicial time is wasted.

8. Heard learned counsel for the parties and perused the record.

9. It was observed by the Hon'ble Supreme Court in the case of ***Ramgopal and Ors. Vs. The State of Madhya Pradesh, 2021 INSC 568***, that the extraordinary power enjoined upon the High Courts under Section 482 of Cr.P.C. can be invoked even when such a case falls within the ambit of non-compoundable offences given that the Court must be satisfied that



the nature of the offence does not impact the conscience of the society and that the compromise between the parties is voluntary and amicable.

10. The petitioner is present before this Court and has been identified by his counsel and Investigating Officer, Police Station Prashant Vihar. The respondent No.2 is also present before the Court and has been identified by the Investigating Officer.

11. On the query made by this Court, respondent no.2 has categorically stated that she has entered into compromise on her own free will and without any pressure. It is also stated by respondent No.2 that the entire dispute has been amicably settled between the parties *vide* settlement agreement dated 18th November, 2024 at Samadhan, Delhi High Court Mediation and Conciliation Center, Delhi High Court.

12. Keeping in view the fact that parties have amicably settled the matter, no useful purpose would be served by keeping the matter pending. Hence, FIR bearing No. 238/2019 registered at Police Station Prashant Vihar, Delhi for offences punishable under Sections 354/354B/323/341/509 of the IPC and consequent proceedings emanating therefrom are quashed.

13. The instant petition along with pending application(s), if any, stands disposed of.

CHANDRA DHARI SINGH, J

DECEMBER 17, 2024

Rk/st

Click here to check corrigendum, if any