



\$~16

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

+ **CRL.M.C. 3351/2024 & CRL.M.A. 12913/2024**

MUKESH KUMAR

.....Petitioner

Through: Mr. Ajay Kumar Ripaniya, Mr. H.P. Singh and Mr. Aditya Sharma, Advocates.
Petitioner in person.

versus

STATE (GOVT. OF NCT OF DELH) AND ORSRespondents

Through: Mr. Utkarsh, APP for the State with SI Umesh P.S. Mundka.
Mr. Gaurav Jain, Adv. for R2 & R3.
R-2 in person.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

%

21.10.2024

CRL.M.A. 12914/2024

Exemption granted, subject to just exceptions.

The application stands disposed-of.

CRL.M.C. 3351/2024

By way of the present petition filed under section 482 of the Code of Criminal Procedure 1973, the petitioner seeks quashing of case FIR No. 0386/2020 dated 03.08.2020 registered under sections 307/34 of the Indian Penal Code, 1860 ('IPC') and sections 25/27 of the Arms Act, 1959 ('Arms Act') at P.S.: Mundka, Delhi. Consequent upon completion of investigation in the matter, offences under sections 54/59 of the Arms Act have also been added *vide* chargesheet dated 21.11.2020 filed in the matter.



2. The petition is premised on Compromise Deed dated 30.11.2023 ('Compromise Deed'), whereby the petitioner and respondents Nos. 2 and 3 have resolved their disputes amicably.
3. The petition is also supported by affidavits of the petitioners and of respondents Nos. 2 and 3.
4. At the outset it is found that the copy of the compromise deed appended to the petition is incomplete, since its second page is missing. Another copy of Compromise Deed dated 20.11.2023 has been handed-up in court today. The same is taken on record.
5. The petitioner and respondent No.2 are present in court. Respondent No.3, who is the mother of respondent No.2 is stated to be a resident of Satna, Madhya Pradesh; and has not been able to join the proceedings *via* video-conferencing due to poor connectivity. The petitioner and respondent No.2 have been identified by the Investigating Officer as well as by their respective counsel.
6. The court has queried respondent No.2 very closely; and she has confirmed that the parties have now resolved the matter and the compromise deed has been signed by them closing all issues amicably.
7. Mr. Utkarsh, learned APP submits, that as the allegations in the subject FIR would show, the petitioner had wielded a *katta* in an attempt to attack respondents Nos. 2 and 3, but since it misfired, they were saved from serious injury. The MLC shows that the injuries sustained by both respondent Nos. 2 and 3 were 'simple' in nature.
8. Upon an overall consideration of the circumstances of the case, and in line with the law laid down by the Supreme Court in *Gian Singh vs.*



State of Punjab & Anr. reported as (2012) 10 SCC 303 as also in *Narinder Singh & Ors. vs. State of Punjab & Anr.* reported as (2014) 6 SCC 466, this court sees no reason why the subject FIR and all proceedings emanating therefrom should not be quashed. This court is of the view that in light of the settlement between the contesting parties, continuing with the subject FIR and all subsequent proceedings would be an exercise in futility and would not be conducive to peace and harmony between the parties.

9. While allowing the petition however, this court considers it appropriate, that by way of atonement, the petitioner shall pay costs of Rs.25,000/- to *each* of the two respondents within 04 weeks; and place proof of payment of costs on record within 01 week thereafter.
10. Subject to the aforesaid condition, FIR No. 0386/2020 dated 03.08.2020 registered under sections 307/34 IPC and sections 25/27 Arms Act at P.S.: Mundka, Delhi is quashed. All proceedings arising therefrom also stand closed.
11. The Registry is directed to re-list the matter if costs are not paid as directed above.
12. The petition stands disposed-of, in the above terms.
13. Pending applications, if any, also stand disposed-of.
14. It is clarified, that the costs directed to be paid above shall be *in addition* to what was agreed to be paid under the terms of the compromise deed executed between the contesting parties.

ANUP JAIRAM BHAMBHANI, J

OCTOBER 21, 2024/V.Rawat