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

+ **CRL.M.C. 5702/2023 & CRL. M.A. 21455/2023**

JEET PAWAR & ANRPetitioners

Through: Mr. Sanjay Abbot, Advocate for
petitioner No.1.

Mr. Sanjay Srivastava, Advocate for
petitioner No.2.

versus

STATE (GOVT OF NCT OF DELHI) & ANRRespondents

Through: Mr. Laksh Khanna, APP for State
with SI Kapil Beniwal and ASI
Taiyab Hussain PS Punjabi Bagh,
New Delhi.

Mr. Hitesh Mehra, Advocate for
respondent no.2.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

% **05.08.2024**

1. The present proceedings are instituted under Section 482 Cr.P.C. on behalf of the petitioners seeking quashing of FIR No. 0604/2022 registered under Sections 307/34 IPC at Police Station Punjabi Bagh, New 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 previous enmity, the petitioners attacked the respondent no.2 with a knife and stabbed him in the abdomen as a result of which, serious injuries were sustained by the complainant.
3. Learned APP for the State, on instructions, submits that the petitioners are the only accused and that respondent Nos.2 is the complainant/victim in the present case. He further states that the charge-sheet in the present case



has been filed.

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 an out of court settlement and an affidavit to this extent has been filed by the respondent No.2.

5. The petitioners, who are present in Court, have been identified by their counsel as well as the I.O. Respondent Nos. 2 who is the complainant/victim is also present in Court and has been identified by the I.O.

6. In the above facts, it is important for the Court to refer to the case of Narinder Singh v State of Punjab reported as **(2014) 6 SCC 466**, where 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.”

7. I have heard learned counsel for the parties and have gone through the relevant documents produced in the Court, including the MLC. A perusal of the same in light of the principles stated in the above-noted case, would show that the seat of the injury in the present case is the abdomen of the complainant and that the weapon used in the commission of the crime is also a knife, measuring 20 cm in length with the blade being 9 cm. The nature of injury as per the MLC is also opined to be grievous in nature. A plain reading of the FIR would show that one month prior to the date of incident, another quarrel had taken place between the parties. When the complainant in an attempt to resolve the same approached the petitioners, the present incident ensued and the petitioner No.2 started giving fist blows and kicks to the complainant and further exhorted petitioner No.1 to join in, which ultimately led to him inflicting the knife wound .

8. The petition is resisted by learned APP for the state. He submits that the above-stated facts show that the said offence cannot be said to have happened without any element of deliberation or premeditation and it can be inferred that the same was an outcome of a previous dispute between the parties.

9. In view of the location of the body where the injury was inflicted as well as the exorbitant nature of injury and keeping in mind the nature of weapon used, this Court is not inclined to quash the said criminal proceedings against the petitioners. .

10. With the above directions, the petition is dismissed alongwith



miscellaneous application.

AUGUST 5, 2024/js

MANOJ KUMAR OHRI, J



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