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

+ **CRL.M.C. 5937/2023**

RAJNESH

.....Petitioner

Through: Mr. Vijay Kinger, Mr. Ashwani
Gehlot and Miss Roopa Nagpal,
Advs.

versus

THE STATE (NCT OF DELHI) & ANR.Respondents

Through: Mr. Raghuinder Verma, APP for the
State with SI Vijay Chaudhary PS
Sonia Vihar
Mr. Mahendra Singh, Adv. for R-2

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

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12.12.2024

CRL.M.A. 34332/2024 (for exemption)

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

CRL.M.A. 34331/2024 (Seeking restoration)

1. The present application under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter "BNSS") has been filed by the applicant/petitioner seeking restoration of the present petition, i.e., CRL.M.C. 5937/2024 to its original stage and number which was dismissed for non-prosecution vide order dated 14th March, 2024.
2. Heard and perused the contents of the instant application.
3. For the sufficient cause being shown in the instant application, the



same is allowed and the captioned petition, i.e., CRL.M.C. 5937/2024 is, thus, restored to its original stage and number.

4. The application stands disposed of.

Crl.M.A.34333/2024 (for condonation of delay)

1. This is an application under Section 5 of Limitation Act, 1963 read with Section 528 of the BNSS for condonation of delay in filing the instant petition.

2. Notice issued.

3. Notice is accepted by learned APP for the State as well as by respondent No.2, who is present in Court and they submit that they do not have any objection, if the present application is allowed.

4. In view of the above and for the reason stated in the application, the delay of 215 days in filing the appeal is condoned.

5. The application is disposed of.

CRL.M.C. 5937/2023

1. The instant petition under Section 528 of the BNSS [earlier Section 482 of the Code of Criminal Procedure, 1973 (hereinafter “CrPC”)] has been filed by the petitioner praying for quashing of FIR bearing No. 0180/2016 registered at Police Station – Sonia Vihar, Delhi for offences punishable under Sections 323/354/354A/427/506/34 of the Indian Penal Code, 1860 (hereinafter “IPC”).

2. Notice issued.

3. Notice is accepted by learned APP for the State as well as by the respondent No.2 who is present in Court.

4. The brief facts of the case are that pursuant to a complaint filed by the respondent no. 2 alleging that the petitioner and his now deceased father



physically assaulted her, the instant FIR was registered against the petitioner in the present case.

5. With the intervention of family members and relatives, both the parties entered into settlement vide Compromise/Settlement Deed on 22nd July, 2023. The terms and conditions of the said settlement are mentioned in the settlement deed which is annexed as Annexure P-4 to the petition.

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 between the parties.

7. *Per contra*, learned APP for the State submitted that there is no opposition to the prayer made on behalf of the petitioner seeking quashing of the FIR in question in view of the settlement arrived at between the parties.

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

9. The petitioner is present before this Court and has been identified by his counsel Mr. Vijay Kinger and Investigating Officer (hereinafter "IO") SI Vijay Chaudhary, Police Station Sonia Vihar, Delhi. The respondent No.2/complainant is also present in the Court and has been identified by her counsel Mr. Mahendra Singh and the Investigating Officer.

10. The Hon'ble Supreme Court in the case of ***Ramgopal and Ors. Vs. The State of Madhya Pradesh***, 2021 INSC 568, held that the extraordinary power of 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.



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. At this juncture, the petitioner appearing in-person also undertakes to not repeat the same conduct in the future.

12. Keeping in view the fact that parties have settled the matter as well as undertaking given by the petitioner, no useful purpose would be served by keeping the matter pending. Hence, FIR bearing No. 0180/2016 registered at Police Station – Sonia Vihar, Delhi for offences punishable under Sections 323/354/354(A)/427/506/34 of the IPC and consequent proceedings emanating therefrom are quashed.

13. The petition along with pending application(s) stands disposed of.

CHANDRA DHARI SINGH, J

DECEMBER 12, 2024

Rt/st

Click here to check corrigendum, if any