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

+ **W.P.(CRL) 1737/2024 & CRL.M.A. 16951/2024**

WASEEM AHMAD

..... Petitioner

Through: Mr. Mohd. Shadan, Advocate with
petitioner in person.

versus

STATE OF NCT OF DELHI & ORS.

..... Respondents

Through: Ms. Nandita Rao, ASC (Crl.) for the
State with Mr. Amit Peswani,
Advocate alongwith SI Anil Kumar
PS Jamia Nagar, New Delhi
Respondent Nos. 2 and 3 in person.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

29.05.2024

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1. The present proceedings are instituted under Article 226 of the Constitution of India read with Section 482 Cr.P.C. on behalf of the petitioner seeking quashing of FIR No. 0484/2022 registered under Sections 324 IPC at Police Station Jamia Nagar, 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 an outstanding amount, the petitioner attacked the respondent no.3 with a kitchen knife as a result of which injuries were sustained by him.

3. Ms. Nandita Rao, learned ASC (Crl.) for the State, on instructions, submits that the petitioner is the only accused and respondent Nos.2 and 3 are the complainants/victims in the present case. She further states on



instructions that section 307 IPC has been added. The charge-sheet is yet to be filed and that the petitioner is 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 Memorandum of Understanding dated 20.05.2024, a copy of which has been placed on record. In terms of the said settlement, complainant and injured are now left with no claim or grievance against the petitioners.

5. The petitioner, who is present in Court, has been identified by his counsel as well as the I.O./ SI Anil Kumar PS Jamia Nagar, New Delhi. Respondent Nos. 2 and 3 who are complainant and victim are also present in Court and have been identified by the I.O.

6. The petitioner has shown remorse for his conduct and undertakes not to repeat the same in future. Respondent Nos. 2 and 3 also state that they have entered into the aforementioned MOU out of their own free will, volition and without any coercion. They further state that they have no objection if the present FIR and consequent proceedings are quashed.

7. In the case of Narinder Singh v State of Punjab reported as (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 have gone through the police file produced in the Court, including the MLC. The statement of the complainant nowhere reflects that the injuries were inflicted with intention to kill. Further the nature of injuries and the weapon used also support the petitioner’s submission that there was no premeditation.

9. In view of the above, no useful purpose will be served in continuance of the proceedings, it is directed that the aforesaid FIR and the consequent proceedings arising therefrom are hereby quashed, subject to payment of cumulative cost of Rs.1,000/- to be deposited by the petitioner with the



Delhi State Legal Services Authority(Account No.18580110053263, UCO Bank, Branch Rouse Avenue, IFSC: UCBA0003364) within a period of two weeks from today. The amount so deposited shall be utilized by the Delhi State Legal Services Authority for providing counselling/psychological support to POCSO victims requiring such assistance.

10. Proof evidencing receipt of deposit shall be filed with the I.O.

11. A copy of this order be communicated to the Member Secretary, Delhi State Legal Services Authority for intimation.

12. With the above directions, the petition is disposed of alongwith miscellaneous application.

13. In case the proof of cost is not filed within two weeks, the IO shall be at liberty to move an appropriate application in this regard.

MANOJ KUMAR OHRI, J

MAY 29, 2024/rd