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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 6507/2023**

ARVIND KUMBHKAR

.....Petitioner

Through: Mr. Mandeep Kumar Sharma,
Advocate with petitioner in person.

versus

STATE NCT OF DELHI & ANR. & ORS.

.....Respondents

Through: Mr. Laksh Khanna, APP for State
with SI Upender Singh, P.S. Vasant
Kunj South.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER
09.08.2024

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1. By way of present petition, the petitioner seeks quashing of FIR No. 105/2017 registered under Sections 307/451/323/354/506 IPC at P.S. Vasant Kunj South, Delhi on the ground that the parties have arrived at an amicable settlement.
2. During the course of submissions, learned APP for the State submits that though the present petition is premised on the fact that there is a settlement arrived at between the parties, however, in view of the decision of the Supreme Court in Narinder Singh v. State of Punjab, reported as **(2014) 6 SCC 466**, the petition is not maintainable, inasmuch as, the injured complainant/respondent No.2 has already stepped in the witness box and supported the prosecution case. He further states that the petitioner entered



the house of the respondent No.2 in the early hours of the morning and tried to put a cloth doused with some chemical in her mouth. The petitioner also gave injury to the respondent No.2 on her mouth which caused facial swelling, multiple lacerations on the lower lip and inner mucosa and contusions in frontoparietal region.

3. 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.”

4. I have heard learned counsel for the parties and have gone through the relevant documents produced in the Court, including the MLC and in view of the nature of the injury caused to the complainant, this Court is satisfied that this is not a fit case for quashing the FIR. Though, learned counsel for the petitioner points out that there are contradictions in the statement of the



injured witness /respondent No.2, however, the same would be appreciated by the trial court juxtaposing with the other material that has come on record. The present petition is filed on the basis of settlement. In view of the above, petition is dismissed accordingly.

AUGUST 9, 2024
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MANOJ KUMAR OHRI, J