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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 7165/2023**

ASHOK KUMAR ARORA

.....Petitioner

Through: Mr. Rahul Sharma, Mr. Vasu Chit Anand, Mrs. R. Rama, Mr. B.P. Agarwal, Mrs. Sharanjit Kaur Shergil, Mr. Abhishek Singh and Ms. Anjali Verma, Advocates with petitioner in person.

versus

STATE & ORS.

.....Respondents

Through: Mr. Laksh Khanna, APP for State with SI Vikash Fageria, P.P. Subhash Nagar, P.S. Rajouri Garden.
Respondent Nos. 2 and 3 in person.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER
24.07.2024

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1. The present proceedings are instituted on behalf of the petitioner seeking quashing of FIR No. 0252/2019 registered under Section 307 IPC at P.S. Rajouri Garden, 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 with regards to borrowing of money, the petitioner, in the heat of the moment, attacked the complainant's brother/respondent No.2 with a vegetable peeling knife leading to injury.
3. Learned APP 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. It is further stated that the charge-sheet has already been filed and that the petitioner is not involved in any other case.

4. Learned counsel for the petitioner 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 and the injured are now left with no grievance against the petitioner.

5. The petitioner, who is present in Court, has been identified by his counsel as well as the I.O/SI Vikash Fageria, P.S. Rajouri Garden. Respondent Nos. 2 and 3, who are the victim and complainant, 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 settlement 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 (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 the learned counsel for the parties and have gone through the police file produced in the Court, including the MLC. It is to be noted that it is alleged that the altercation in the present case is an inter-family dispute between a father and his son which occurred on account of a domestic argument with respect to borrowing of money by the respondent No.2. There is no evidence on record to suggest that there is any element of deliberation or premeditation in the commission of the offence. The MLC on record also fails to provide an opinion on the nature of injury sustained, as the victim, statedly, refused to get himself medically examined. Even the weapon used in the commission of the offence was a kitchen vegetable peeling knife. Though the testimony of injured is yet to be recorded, the other family members i.e., the mother and sister of injured have not ascribed the incident to the petitioner. The injured and victim i.e. respondent Nos. 2 reiterates that they do not wish to pursue any criminal proceedings against his father i.e. the petitioner. Notably, all the family members are residing



together in the same house.

9. In the peculiar facts and circumstances and considering that the dispute is between a father and son, no useful purpose will be served in continuance of the proceedings and accordingly, it is directed that the aforesaid FIR and the consequent proceedings arising therefrom are hereby quashed.

10. With the above directions, the petition is disposed of.

MANOJ KUMAR OHRI, J

JULY 24, 2024

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