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

+ **W.P.(CRL) 2042/2024**

ABDUL HANNAN@HANNAN CHAUDHARY & ORS...Petitioners

Through: Mr. A. F. Faizi, Mr. Mohd. Nadeem,
Mr. Pravez Ali, Advs.

versus

THE STATE (GOVT. OF NCT DELHI) & ORS.Respondents

Through: Mr. Sanjay Lao, SCwith SI Nitin, PS
Jamia Nagar
Mr. Momin Fazal, Mr. Vikrant Singh,
Ms. Pragya Gupta, Ms. Garima
Sharma, Mr. Nasreen, Ms. Geeta
Bajaj, Advs. for R-2

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

% **10.07.2024**

CRL.M.A. 19838/2024 (Exemption)

Exemption is allowed subject to all just exceptions.

Application stands disposed of.

W.P.(CRL) 2042/2024

1. The present petition has been filed under Article 226 of the Constitution of India read with Section 482 Cr.P.C. seeking quashing of case FIR No.0086/2024 is registered at PS Jamia Nagar under Section 308/34 IPC.
2. The perusal of the FIR indicates that complainant went to Jamia University, Jamia Nagar on 1/3/2024 to meet his friends Zafar and Shakib. After meeting them, complainant was going back to his home



Batla House Jamia Nagar and around 8:00 PM, when he reached near Gate No. 13 with his friends Zafar and Shakib, three boys came with *dandas* and hockey sticks and started saying that they will teach these people of Purvanchal a lesson. And thereafter started beating them. The complainant knew all three accused persons namely (1) Hannan Chaudhary (2) Shahrukh Tyagi (3) Naveen Hasan. Noman Chaudhary @ Noman Ali who all are resident of Muzaffar Nagar, U.P and Hannan Chaudhary. Complainant's friend Shakib was hit on the head with a wooden stick and kicked by Farid Chaudhary and Noman Tyagi. All the accused persons were armed with *dandas* and hockey sticks. Complainant received a head injury and body injuries due to this assault. One of his friends namely Shakib was admitted in Holy Family Hospital. Thereafter PCR call was made by the friend of complaint resulting in registration of the present FIR. The injuries received by the complainant and his friends were simple in nature.

3. The Court is quite disappointed over the present petition being filed. It is quite strange that the young boys fight like this with armed weapons committing heinous offences and then they come for quashing of FIR based on monetary settlement. When a non-compoundable serious offence is settled through settlement for monetary payment, it may create an impression that such offences can be compounded simply by paying money through a settlement agreement as a matter of right.
4. The Court under Section 482 CrPC has the discretion to determine whether or not to quash a FIR based solely on a settlement agreement, and this discretion must be exercised judiciously based on established



legal principles that are specific to each case. Therefore, simply noting in the settlement agreement that the matter has been settled, the amount has been paid, and therefore the FIR may be quashed could not have been of any assistance.

5. The Court considers that it is not a fit case to quash the FIR under 482 of Cr. PC. Hence, the present petition is dismissed.
6. This Court is also inclined to impose costs of Rs.5,000/-(Rupees Five Thousand Only) each on all the petitioners. The amount shall be paid to the '*Raksha Mantri Ex-servicemen Welfare Fund*'.
7. A copy of the receipts be filed with the Registry within six weeks from today to show compliance of the order.

DINESH KUMAR SHARMA, J

JULY 10, 2024/Pallavi