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

+ CRL.A. 295/2018

MUKESH

.....Appellant

versus

THE STATE (NCT OF DELHI)

.....Respondent

+ CRL.A. 300/2018

MUKESH

.....Appellant

versus

THE STATE (NCT OF DELHI)

.....Respondent

+ CRL.A. 304/2018

NARESH @ NARESHA BABA

.....Appellant

versus

THE STATE (NCT OF DELHI)

.....Respondent

+ CRL.A. 313/2018

ASHRAFI LAL @ AKKA

.....Appellant

versus

THE STATE

.....Respondent

Present: Ms.Pallavi Vashist and Ms.Poona Rajesh, Advts. for the appellants with appellants in person.
Mr.Hemant Mehla, APP for the State with SI Mohit Bamel, PS Aman Vihar.
Mr.Babar Ali, Adv. for complainants with complainants in person.



CORAM:
HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER
24.12.2024

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CRL.M.A. 39131/2024 & CRL.A. 295/2018
CRL.M.A. 39304/2024 & CRL.A. 300/2018
CRL.M.A. 39180/2024 & CRL.A. 304/2018
CRL.M.A. 39307/2024 & CRL.A. 313/2018
(for compromising the appeal)

1. Present joint applications have been filed under Sections 528 of BNSS for recording the compromise arrived at between the parties.
2. Briefly the facts are that an FIR No.1192/2014 PS Aman Vihar was lodged by Mahesh relating to an incident on 27.10.2014 while complainant Mahesh was having morning tea in his house, Mukesh (A-1) and Naresh (A-2), both sons of Laxman came to his house and started abusing. In the meanwhile Mukesh son of Babu along with Akka (A-3) resident of the same locality carrying the danda and iron rod in their hands. It has been alleged that accused no.1 and 2 caught hold of the complainant and accused no.3 and 4 beaten them with rod and danda. In the meanwhile, Nand Kishore, brother of the complainant tried to intervene, however, he was also given danda blow. This led to the registration of FIR No.1192/2014 PS Aman Vihar and the charge sheet was filed. Charge under Section 308/34 IPC was framed. After trial, learned Additional Sessions Judge (FTC) (North-



West), Rohini Courts, Delhi vide order dated 16.01.2018 recorded the conviction of the appellant under Section 308/34 IPC. Vide order on sentence dated 19.01.2018, the appellants were awarded RI for a period of three years and six months along with fine of Rs.10,000/- each for the offence under Section 308/34 IPC, in default of payment of fine, the appellants were ordered to undergo Simple Imprisonment for one month each.

3. Aggrieved by this, the appellants filed the present appeals, namely, CRL.A. 295/2018, CRL.A. 300/2018, CRL.A. 304/2018, and CRL.A. 313/2018. During the pendency of these appeals, the parties are stated to have reached a compromise, as recorded on 16.12.2024, on the following terms and conditions:

- 1. Both the parties want to put an end to the criminal proceedings in accordance with law either by compounding the offences, if all the offences are so compoundable or by filing appropriate petition or by any other procedure as they may be advised and as may be applicable in accordance with law.*
- 2. The matter stands settled for a sum of Rs.4,00,000/- (Rs. Four Lakh only) which will be paid by second party equally to the first party/injured has paid in cash which has been acknowledged by the first party in cash. acknowledgement receipt in the presence of marginal witnesses at the time of signing of this MOU.*
- 3. That as per the terms & conditions, the first party shall cooperate and record their statements towards the settlement in the appeal pending before the Hon'ble Delhi High Court.*
- 4. That the first party undertakes to withdraw the Complaint case no.11810/2016 pending in the Court of Ms Nidhi Chitkara Ld JMFC Rohini courts Delhi after execution of the present MOU & compilation of para no.2 of present MOU.*
- 5. That both Parties undertake that in future they would make*



no attempt to disturb one or another so as to live their life in a positive way without any acrimony against each other. Accused person will respect the complainant's and their family members in future and complainant/injured would cooperate, in all respect in compounding the offences against the second party.

6. That the parties also undertake that they will not initiate any type of proceedings against each other in future.

7. That both the parties have entered to this MOU out of their own free will and consent without any type of pressure, threat, coercion or undue influence from any corner.

4. Learned counsel for the appellants submits that the parties have reached on an amicable settlement with the intervention of well-wishers and common friends and the parties have decided to put a quietus to the dispute.
5. Learned counsel for the appellants that this court in ***Mahender Singh @ Sunny & Anr. Vs. State*** dated 17.03.2021 in CRL.M.C 852/2021, quashed the FIR registered under Section 308 IPC. Similarly, reliance has been placed on ***Kulvinder Singh vs. State of Punjab and Anr.*** 2007 (3) RCR CrI.1052 and ***Sube Singh vs. State of Haryana & Anr.*** 2013 (4) RCR CrI.102. Learned counsel submits that the offence is non-compoundable in nature and the appellants have already been convicted.
6. In ***Ramgopal vs The State of Madhya Pradesh***, CRL Appeal 1489/2012 the Supreme Court held that criminal proceedings, including non-compoundable offenses, can be quashed under Section 482 CrPC if the parties reach a genuine and voluntary compromise, provided the offense is not heinous or of a serious nature affecting public interest. The Supreme Court distinguished private disputes, such as matrimonial



or personal issues, from crimes with significant societal impact, emphasizing that public interest must prevail in heinous cases like murder or rape. In this case, the Court allowed the appeal and quashed the proceedings, as the matter was a personal dispute, and the compromise was deemed genuine.

7. The bare perusal of this makes it clear that even at the stage of appeal, the offence under Section 308 IPC can be compounded, if the parties have reached on a settlement.
8. In the present appeals, the parties belong to the lower strata of the society, and they want to put a quietus to the dispute between them to restore peace. The complainants have stated that they have entered the settlement voluntarily without any fear, force or coercion. The IO has identified the complainants.
9. In view of the settlement, the applications are allowed, FIR no. 1192/2014 u/s 308/34 IPC PS Aman Vihar and all consequential proceedings emanating therefrom are quashed.
10. In view of the above, the present appeal and any pending applications along with the appeal stands disposed of.

DINESH KUMAR SHARMA, J

DECEMBER 24, 2024

Rb/na