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IN THE HIGH COURT OF DELHI AT NEW DELHI

CRL.M.C. 5745/2022

HARPAL YADAV

.....Petitioner

Through: Mr. Aakash Godara, Adv.
(through VC)

Petitioner in person

versus

STATE (NCT OF DELHI)

.....Respondent

Through: Mr. Naresh Kumar
Chahar, APP for the State
SI Ashok Kumar, PS- JP
Kalan

Mr. Prateek Yadav in
person

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

19.12.2024

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1. The present petition is filed seeking quashing of FIR No. 211/2017 dated 16.11.2017, registered at Police Station Jaffarpur Kalan, for offences under Sections 325/341/506/34 of the Indian Penal Code, 1860 ('IPC'). The FIR was registered on a complaint made by Respondent No. 2.
2. It is alleged that the accused persons had attacked the complainant with an iron rod and rounded bat when he was going home. The complainant suffered injuries in the altercation, which led to the registration of the present FIR.
3. It was noted by this Court by order dated 09.11.2022 that accused Shiv Kumar, who had been charge sheeted in the present case, has already expired.
4. The learned counsel for the petitioner submits that the petitioner has tendered their unconditional apology for his behaviour and the parties have amicably resolved their disputes.



5. The present petition was filed on the ground that the petitioner and the complainant had settled the disputes by way of Memorandum of Understanding dated 09.09.2022, on their own free will, without any coercion, undue influence, pressure or threat.
6. It is pointed out that the complainant expired on 14.12.2022, during the pendency of the proceedings arising out of the present FIR. After the death of the complainant, a fresh settlement dated 15.12.2024 was also arrived at between the legal heirs of the complainant, that is, his son and wife, and the petitioner.
7. On the last date of hearing, the learned counsel for the petitioner had sought time to file an amended memo of parties impleading the legal heirs of Respondent No.2.
8. It is stated that the amended memo of parties has been filed, however, the same is pending with the Registry of this Court. The learned counsel for the petitioner states that the fresh settlement dated 15.12.2024 will also be filed.
9. Let the same be taken on record.
10. The parties are present in person in Court and they have been duly identified by the Investigating Officer.
11. Today, Mr. Prateek Yadav, son of Respondent No.2, appears in person and states that he does not wish to pursue any proceedings. He submits that the dispute was settled by the complainant himself when he was alive and a fresh settlement was entered between the parties on 15.12.2024 as well. He submits that the family has since moved on in life and does not wish to pursue any proceedings arising out of the present FIR as the pendency of the same would cause unnecessary heartburn.



12. Offences under Sections 25/341/506 of the IPC are compoundable in nature.

13. This Court is of the opinion that no useful purpose would be served by relegating the parties to the learned Trial Court for filing an application to compound the offence.

14. In the present case, the dispute had been settled between the parties when the complainant was alive. While the injuries caused are alleged to be grievous in nature, in such circumstances, continuance of the proceedings would only cause harassment and heart burn amongst the parties.

15. Keeping in view the nature of dispute and that the parties have amicably entered into a settlement, this Court feels that no useful purpose would be served by keeping the dispute alive and continuance of the proceedings would amount to abuse of the process of Court.

16. However, keeping in mind the fact that the State machinery has been put to motion, ends of justice would be served if the petitioner is put to cost.

17. In view of the above, FIR No. 211/2017 and all consequential proceedings arising therefrom are quashed, subject to payment of cost of ₹30,000/- by the petitioner, to be deposited with the Delhi Police Welfare Society.

18. Proof of deposit of cost to be submitted to the concerned SHO.

19. The present petition is allowed in aforesaid terms.

AMIT MAHAJAN, J

DECEMBER 19, 2024

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