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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 5798/2022 & CRL.M.A. 22785/2022**
ABHISHEK & ANOTHER

..... Petitioners

Through: Mr.D. Hasija, Adv.

versus

STATE OF DELHI (NCT OF DELHI) AND OTHERS

..... Respondent

Through: Ms.Priyanka Dalal, APP along
with SI Robin Khatana, PS
Moti Nagar.
Mr.Sanjeev Kumar Dubey, Sr.
Adv. with Mr.Rajmangal
Kumar, Mr.Asif Inam,
Mr.Suyash Gupta &
Ms.Pushpam Arya, Adv. for
R-2 to R-4.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

% **23.01.2024**

1. This petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 (in short, 'Cr.P.C.') seeking quashing of FIR No.395/2016 registered at Police Station: Moti Nagar, Delhi, under Sections 308/34 of the Indian Penal Code, 1860 (in short, 'IPC') and the proceedings emanating therefrom.

2. The allegations against the petitioners are that they have given a beating to the complainants and have attacked them with sticks and hockey sticks.



3. The learned counsels for the parties submit that the parties, that is, the petitioners and the respondent nos.2 to 4 have, now, amicably resolved their *inter se* disputes and have executed a Memorandum of Understanding / Settlement Agreement dated 28.07.2022.

4. The respondent nos.2 to 4 are present in person in Court and have been duly identified by the Investigating Officer (IO). They reaffirm the settlement between the parties and state that they have no objection to the FIR and the consequential proceedings being quashed by this Court.

5. I have perused the contents of the FIR and also the Status Report filed by the respondent/State.

6. In *State of M.P. v. Laxmi Narayan* (2019) 5 SCC 688, the Supreme Court has held that the powers conferred on the High Courts under Section 482 Cr.P.C. can be exercised keeping in mind the injuries sustained, nature of weapons used, etc. The facts of the present case disclose that the injuries sustained by the complainants are simple and minor in nature. Although it is true that the Courts must be slow in exercising their jurisdiction under Section 482 for quashing the proceedings arising out of offences punishable under Section 307/308 IPC, keeping in mind the fact that the petitioners are youngsters and as the disputes between the parties have been amicably settled, and looking into the nature of the injuries, in my opinion, no useful purpose would be served in keeping the FIR alive. In fact, it would lead to further wastage of time not only of the prosecution but also of the Courts and would be an unnecessary burden on the State exchequer. In reaching the above conclusion, I am also guided by the



principles enunciated by the Supreme Court in its judgments in *Gian Singh v. State of Punjab*, (2012) 10 SCC 303; *Parbatbhai Aahir @ Parbatbhai Bimsinh Karmur & Ors. v. State of Gujarat & Ors.* and (2017) 9 SCC 641 and *State of Haryana & Ors. v. Bhajan Lal & Ors.* 1992 Supp (1) SCC 3.

7. This Court, therefore, deems it appropriate, in the interest of justice, to exercise its inherent powers under Section 482 of the Cr.P.C. to quash the above mentioned FIR and all the proceedings emanating therefrom.

8. Accordingly, the petition is allowed. FIR No.395/2016 registered at Police Station: Moti Nagar, Delhi, under Sections 308/34 of the IPC and all consequential proceedings emanating therefrom *qua* the petitioners are quashed, subject to the condition that the petitioners deposit costs of Rs.5,000/- each with the Delhi State Legal Services Authority within a period of two weeks from today. The costs so deposited shall be utilised by the Delhi State Legal Services Authority for providing support to the Acid Attack Victims requiring such assistance.

9. The petitioners shall file, with the Registry of this Court, proof of deposit of the above costs and also supply a copy thereof to the concerned IO, within the abovementioned period.

10. The petition is allowed in the above terms. The pending application is disposed of being rendered infructuous.

NAVIN CHAWLA, J

JANUARY 23, 2024/rv/AS

[Click here to check corrigendum, if any](#)