



\$~89

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

+ **CRL.M.C. 5471/2024**

SULTAN @ MUNNA

.....Petitioner

Through: Mr. Arun Kumar Sharma and Mr.
Sunil Kumar, Advocates with
Petitioner-in-person

versus

STATE NCT OF DELHI AND ORS.

.....Respondents

Through: Mr. Tarang Srivastava, APP for the
State.

Respondents No.2 and 3 in person.
SI Dinesh Kumar, PS Nand Nagri.

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

23.07.2024

%

1. The Petitioner has approached this Court for quashing FIR No.947/2017 dated 25.10.2017 registered at Police Station Nand Nagri for offences under Sections 323, 452 & 506 IPC on the ground that the parties have entered into an amicable settlement.

2. It is stated that the parties have settled all their disputes amicably by a memorandum of understanding dated 08.05.2024. A copy of memorandum of understanding dated 08.05.2024 has been annexed with the instant petition as Annexure-B. As per the MoU, the parties have agreed to settle all their disputes amicably and it is stated that the Respondents No.2 and 3 does not have any objection to quashing of the FIR and all the proceedings emanating therefrom in terms of the aforesaid settlement.



3. The Petitioner and Respondents No.2 and 3 are present in Court today. They have been identified by the Investigating Officer. Respondents No.2 and 3, who are present in Court state that they have settled all their disputes with the Petitioner out of their own free will, without pressure, coercion or undue influence and do not want to pursue the present case any further and request that the present FIR and the proceedings emanating therefrom may be quashed. The parties undertake that they will remain bound by the terms of the settlement arrived at between them and the proceedings recorded before this Court.

4. In view of the law laid down by the Supreme Court in Gian Singh vs. State of Punjab, (2012) 10 SCC 303 and in view of the settlement arrived at between the parties and considering the young age and the future of the Petitioner, this Court is of the opinion that no useful purpose would be served in continuing with the present proceedings. Resultantly, the FIR No.947/2017 dated 25.10.2017 registered at Police Station Nand Nagri for offences under Sections 323, 452 & 506 IPC and the proceedings emanating therefrom are hereby quashed. The parties shall remain bound by the terms of the settlement and the undertaking given to the Court.

5. A reading of the FIR shows that the Petitioner had threatened and physically assaulted the Complainant with a knife due to which the Complainant suffered injuries. This Court is of the opinion that the Petitioner cannot be let off only because Respondents No.2 and 3 have decided to enter into a settlement with the Petitioner. The Petitioner has to atone for his sins and must realize that he cannot take the Courts for granted and the Petitioner cannot get a feeling that he can get away with the crime



by entering into a settlement with the victim. This Court is, therefore, inclined to impose costs of Rs.5,000/- on the Petitioner so that the Petitioner does not repeat such kind of offences in future. Accordingly, the Petitioner is directed to deposit a sum of Rs.5,000/- with the *Armed Forces Battle Casualties Welfare Fund* within four weeks from today. A copy of the receipt be given to the Investigating Officer and also be filed with the Registry of this Court to show compliance of the order within four weeks thereafter.

6. This Court also feels it necessary that the Petitioner must do some community service. Accordingly, the Petitioner is directed to do community service in the following manner:-

- i. The Petitioner shall do community service at Gurdwara Bangla Sahib for a period of one month, i.e., from 01.08.2024 to 31.08.2024. The Petitioner shall perform such duties as assigned to him at Gurdwara Bangla Sahib from 09:00AM everyday for a period of one month and shall obtain a certificate from the Gurdwara Bangla Sahib after the completion of the community service and shall file the same before this Court to show compliance of the order of this Court.
- ii. The Petitioner shall do community service at Jyotiba Phule Old Age Home for Senior Citizens for a period of one month, i.e., from 01.09.2024 to 30.09.2024. The Petitioner shall perform such duties as assigned to him at Jyotiba Phule Old Age Home for Senior Citizens from 09:00AM everyday for a period of one month and shall obtain a certificate from the Jyotiba Phule Old



Age Home for Senior Citizens after the completion of one month and shall file the same before this Court to show compliance of the order of this Court.

- iii. The Petitioner is directed to do community service at LNJP Hospital for a period of one month i.e. from 01.10.2024 to 31.10.2024. The Petitioner shall report to the Medical Superintendent, LNJP Hospital on 01.10.2024. The Petitioner shall report to the duty assigned to him by Medical Superintendent, LNJP Hospital at 09:00 AM everyday for a period of one month. After completion of one month community service, a certificate from the Medical Superintendent, LNJP Hospital be also filed to show compliance of the order of this Court.
- iv. The Petitioner shall do community service at Udayan Care-Orphanage, Mayur Vihar, for a period of one month, i.e., from 01.11.2024 to 30.11.2024. The Petitioner shall perform such duties as assigned to him at the orphanage centre from 09:00AM everyday for a period of one month and shall obtain a certificate from the Orphanage after completion of one month and shall file the same before this Court to show compliance of the order of this Court.

7. In case of any absenteeism/default or any misbehaviour on the part of the Petitioner during the period he has been directed to perform the community service, the same shall be conveyed immediately to the concerned SHO/IO, who shall in turn inform the learned APP for the State,



for bringing the same to the notice of the Court and for seeking recall of the orders passed today.

8. The Petitioner is also directed to plant 25 trees on his own expense in his locality and nurture them. The Investigating Officer is directed to ensure that the trees are planted by the Petitioner and a Compliance Report regarding the same shall also be filed before this Court.

9. With the above directions, the petition is disposed of along with all the pending application(s), if any.

SUBRAMONIUM PRASAD, J

JULY 23, 2024

hsk