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

+ **CRL.M.C. 5616/2024**

KUNWAR PAL & ORS.

.....Petitioners

Through: Mr. Maneesh Kumar &
Ms. Pooja Singh,
Advocates (Through V.C.)
alongwith Petitioners in
person

versus

THE STATE OF NCT OF DELHI AND ANR.

.....Respondents

Through: Mr. Sunil Kumar Gautam,
APP for the State
ASI Rakesh PS New
Usman Pur
Mr. Aashish K. Singh,
Adv. for R-2 alongwith R-
2 in person.

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

26.09.2024

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1. The present petition is filed seeking quashing of FIR No. 764/2021 dated 18.10.2021, registered at Police Station New Usmanpur, for offences under Sections 323/341/506/34 of the Indian Penal Code, 1860 ('IPC'). The FIR was registered on a complaint made by Respondent No. 2.

2. It is alleged that an altercation took place between the petitioners and Respondent No. 2 and his father over parking in front of the house of Respondent No. 2, when the petitioners attacked Respondent No. 2 and his father with an iron rod. This led to the registration of the present FIR.

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3. The learned counsel for the petitioners submits that the parties are neighbours.
4. He submits that the petitioners have tendered their unconditional apology for their behaviour and volunteer to pay an additional amount of ₹40,000/- as compensation to Respondent No. 2/ complainant. He further submits that the parties have amicably resolved their disputes and wish to live their lives peacefully in the future.
5. The petitioners undertake not to indulge into any such activity in the future. They further undertake that they will not harass Respondent No.2 or his family members in any manner whatsoever.
6. The present petition is filed on the ground that the parties have amicably settled their disputes by way of Compromise Deed/Settlement Deed dated 30.05.2024, on their own free will, without any coercion, undue influence, pressure or threat.
7. The parties are present in person in Court and they have been duly identified by the Investigating Officer.
8. Respondent No.2, on being asked, states that he is satisfied with the apology tendered by the petitioners. He states that he does not wish to pursue any proceeding arising out of the present FIR and has no objection if the same is quashed.
9. Offences under Sections 323/341/506 of the IPC are compoundable in nature.
10. In the present case, Respondent No.2 has stated that he has no remaining grievance against the petitioners, who are neighbors of Respondent No. 2 and that he is satisfied with the compensation amount and the petitioners' unconditional apology. In the peculiar circumstances of this case, it is unlikely that the present FIR will result in a conviction when Respondent No.2



does not wish to pursue the case. In such circumstances, continuance of the proceedings would only cause harassment and heart burn amongst the parties.

11. Keeping in view the nature of dispute and the fact that the parties have amicably settled the dispute, 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. I am of the considered opinion that it is a fit case to exercise discretionary jurisdiction under Section 482 of the Code of Criminal Procedure, 1973.

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

13. In view of the above, FIR No. 764/2021 and all consequential proceedings arising therefrom are quashed, subject to payment of cost of ₹10,000/- by petitioners, to be deposited with the Delhi Police Welfare Society, within a period of three months from date. The petitioners are further directed to pay a sum of ₹40,000/- as compensation to Respondent No. 2/ complainant.

14. Proof of deposit of cost and the compensation to Respondent No. 2 be submitted to the concerned SHO.

15. The present petition is allowed in aforesaid terms.

AMIT MAHAJAN, J

SEPTEMBER 26, 2024

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